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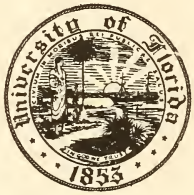

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MORALS AND POLITICS

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THEORIES OF THEIR RELATION
FROM HOBBES AND SPINOZA TO
MARX AND BOSANQUET

By

E. F. CARRITT

Fellow of University College, Oxford
University Lecturer in Philosophy
Late Visiting Professor at the State
University of Michigan

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My brother-in-law Mr. J. L. Etty has kindly read the proofs.

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PART I

I

INTRODUCTION

I DO not propose to cover the whole ground which is often traversed by books upon political philosophy. My readers may be helped in following my argument and prevented from expecting too much if I briefly describe my motive and consequent scope in writing. In the books upon the subject which I read, I constantly find terms to which I attach no definite meaning. Some of these are terms only met in the writings or talk of philosophical students, such as 'general (or real) will'. Others are terms in common use, such as liberty and rights, but in these books they are evidently used in some uncommon sense which I find it hard to determine. In order to clear my mind on these points I have tried to trace the development of these expressions, to observe how and for what purpose philosophers got into the way of using them as they do. The conclusion which I reached, and which I should like my readers to reach by the same method, was that this unfamiliar way of speaking was intended to describe such very familiar facts as that men often do obey, and think they ought to obey, laws as such; but that the writers in question were for certain reasons not content to treat obligations and rights as realities. They

wished to explain our belief that we often ought to obey the laws as an inexact way of thinking about some other fact, such as that it pays us to obey them.

My object, then, is to show that all attempts to explain this recognition of political obligations in terms of something else lead to confusion, self-contradiction, and the evident misdescription of facts which we cannot doubt. I shall only deal with the contents of the works discussed, however important and interesting, so far as seems necessary for this object.

The second and shorter part of the book, which I have called analytical, as distinct from historical, will, I fear, rightly incur the charge of falling between two stools. I might, it may be said, have contented myself with criticism and refrained from offering any positive doctrine, or I might have attempted a complete moral philosophy. But the first course would have been justly blamed as unfair. All criticism implies some positive belief, and an honest critic is bound to disclose this as well as he can. The second course, however desirable could it be adequately carried out, was not possible for me; yet I did not wish to put off saying what seemed to me true and worth saying until I could say, with a conviction of its truth, everything that would be worth saying on the subject. In my second part, then, I have merely tried to indicate such positive beliefs as I seemed committed to by my criticisms in the first part.

It is hard to define the subject-matter of political philosophy and to distinguish it from moral philosophy. If we say it is concerned with men's duties to their fellow citizens, it clearly falls within moral philosophy, which is concerned with all their duties; and by giving it a special name we might seem to have assumed that our duties to our fellow citizens differ from our other duties essentially in a way that our duties to our families or to animals do not, since no special 'philosophy' of these is offered. It might be thought, as perhaps Aristotle did, that moral philosophy is rather a branch of political philosophy, since our duties as parents, children, wage-earners, or debtors are part of our duties as citizens. But this view would imply that there are no rights or duties except between fellow citizens, and is hardly likely to be held now, when we commonly admit that a man may have duties to a foreigner or an animal.

The distinction of political philosophy then seems to rest on the assumption that there is a class of 'political duties' differing essentially from others; and these might be either those duties, if any, which we have to all our fellow citizens and to nobody else, or those which we have in respect of making and obeying laws, whether by so doing we affect only our fellow citizens or other persons also. If it be urged that such a description neglects the 'duties of states' to one another and to their subjects, I should reply that, even if a state can act and have duties, we, who are not states, are only concerned with what

somebody can do to bring it about that his state should 'act' in some way or other; and this, if it is a duty, is a duty of his.

I mean, then, by political philosophy the reflection upon obligation in instances, such as 'I ought to obey this law', 'I ought to resist this tyranny', taken from a vaguely defined sphere of human relationships. It is not co-ordinate with the general consideration of duty, but with the possible or actual consideration of duties in other limited spheres, such as family relationships, business relationships, and the pursuit of art or knowledge. People have, I believe, been led to assign a more eminent peculiarity to political obligation by considering that there was something unique and paradoxical in the fact that it may be my duty to obey a law which I think a bad one, or to do something because the law enjoins it which would have been wrong to do if not so enjoined. But surely such a kind of situation is often found elsewhere. It might be my duty to comply with a neighbour's request or demand which it was wrong or foolish of him to make. It might be my duty to give a man money because I had promised it or because he was in great want or able to make some special use of it, though I ought to have refused it if no such reason had existed.

The facts that I live with certain of my fellow men in an organized community, with elaborate devices for legislation, preservation of order, settlement of disputes, punishment, mutual defence, and public ser-

vices, and that with many of these fellow citizens I have a common language, religion, and tradition of life, very materially condition their claims upon me. But the claims of some other human being may also be conditioned by the fact that we live or work in the same shop or house or ship, that we are fellow students of philosophy, that we are married. The political relation is a peculiar one, but all claims and duties arise out of peculiar relations.

Probably nobody would maintain that the mere fact of being ordered to do something can in itself constitute a moral claim that I should do it. That would depend upon the sort of man I am and the sort of man who commands me, and upon our previous relations. The act commanded might of course be one which I ought to have done whether I were ordered or not, but this constitutes no obligation to obey the command as such.

It is clear, then, that a man's account of political obligation will depend upon his account of obligation in general.

Theories of morals may be conveniently divided into (A) those which hold duty to be clearly distinguishable from interest, and (B) those which deny any such distinction. The first view is fairly typified by Kant when he distinguishes Categorical and Hypothetical Imperatives, the second by Hobbes or Bentham or Hume: 'Reason is and ought to be the slave of the passions.'

But as the two types of theory developed, the divid-

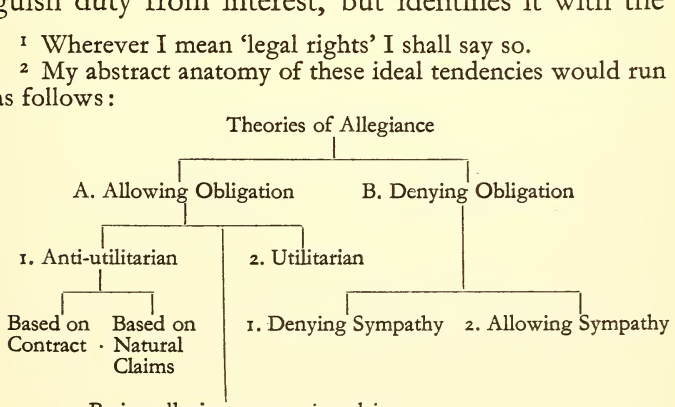
ing line between them has often become blurred. Those (A) who hold that a man in a certain relation to another is under obligation to try to effect a certain change in the other's situation or in the relation between them, have commonly gone on to argue either, like Plato and Butler, that the fulfilment of such obligations will also make a man most happy, or else, like Kant, that the man who honours his obligations deserves to be made happy, and, if there is a God, will receive his desert. Those, similarly, (B) who hold that a man can only aim at his own satisfaction, have often gone on to argue either, like Mill or Green, that man is so naturally benevolent that he will mainly find this satisfaction in the satisfaction of others, or like Paley, that, since God has attached arbitrary rewards to beneficent and penalties to pernicious conduct, the wise man will take them into account. But from these two divisions of moral philosophy—however they may tend to approximate or to compromise—result two divergent schools of political philosophy which give different accounts of the function of the state, our duties to it, liberty, and rights.

The former school of moral philosophers, (A) who distinguish the thought of obligation from any kind of desire, is further divided into (1) those who think that we have various responsibilities to particular persons, in the way of justice, and (2) those who think the only claim upon us is to try to bring about one or more kinds of good, such as the greatest amount

of happiness or of knowledge; and these divergent opinions will correspondingly affect the political philosophies of those who hold them. The first (1) will be apt to talk of a contract, explicit or implied, or of a natural right to equality or freedom, or perhaps of the divine right of kings or of majorities; the second (2) will found our obligations to the state on its utility, and allow to the individual as rights[1] only what contributes to the greatest amount of good. But it is not impossible (3) to hold that there are claims upon us of both these kinds, both to promote good and to pay debts; claims which may conflict (as two goods or two debts may), and that in such a conflict the stronger claim overrules the less and constitutes an obligation.[2] The second great school (B) of moral philosophy, the one which does not distinguish duty from interest, but identifies it with the

[1] Wherever I mean 'legal rights' I shall say so.

[2] My abstract anatomy of these ideal tendencies would run as follows:


Theories of Allegiance
A. Allowing Obligation
B. Denying Obligation
1. Anti-utilitarian
2. Utilitarian
Based on Contract
Based on Natural Claims
1. Denying Sympathy
2. Allowing Sympathy
3. Basing allegiance on *various* claims, to promote well-being, to keep promises, to effect equality.

pursuit of that satisfaction which we most deliberately desire, is pledged to explain the common statement that we ought to obey the law as a confused way of saying that to do what the laws enjoin is in fact what in our calmest and wisest moments we really most desire to do or leads to what we most desire. Supporters of this view, since they hold that all men always aim at satisfaction, can only distinguish right conduct from wrong by the superior knowledge that guides it, the knowledge of how to get real satisfaction; and so they identify virtue with knowledge. But since they also hold that obedience to the law is a virtue, unless they merely mean that it is prudent to obey the strong, they must attribute benevolence and knowledge to the legislative power—knowledge of how to provide satisfaction. To make this plausible, they frequently identify the ultimate legislative power with a 'general will'[1] which is always right, or at least always directed to the general satisfaction. Those of them who do not allow that our sympathies much affect our satisfaction (B 1) argue that some share in a maximum fund of satisfactions is all a man can safely try to get, though less than he would like. Others (B 2) argue that, whatever a man thinks, he will in fact only be satisfied by the general satisfaction of his neighbours or of mankind. On either view, obedience to the laws, perhaps always, but certainly when they represent 'a general will' for 'general satisfaction', is the prudent course. It is what each of us, after

[1] See Chs. VI, XI, XIV.

sufficient deliberation, really wills. This school of thought, with various modifications and contaminations, has played much the most prominent part in the history of the subject. As this identification of duty with interest is the fundamental position which I wish to discuss, one of its simplest statements may be quoted:

'Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*. It is for them alone to point out what we ought to do, as well as to determine what we shall do. . . . The *principle of utility* recognizes this subjection. . . . By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the *party whose interest is in question*.'[1]

This is directly contradicted on the next page[2] where it is said that:

'A man may be said to be a partizan of the principle of utility, when the approbation he annexes to any action, or to any measure, is determined by and proportional to the tendency which he conceives it to have to augment or to diminish the happiness of *the community*.'

Bentham would seem to have lived all his life in the childlike faith that the interests of a community on the whole and of every member are always identical.

[1] Bentham, *Principles of Morals and Legislation*, I. i. 2 (*my italics*). [2] Ibid. 9 (*my italics*).

The discussion of our duties in general and of our political duties in particular has often developed in a way which I venture to think erroneous. The attempt was made, naturally and properly enough, to define them by stating some common and peculiar character which they all possessed. But it was improperly, if naturally, assumed that this common character of all duties, or of all 'political duties', could be stated simply as some character of the action to be done or attempted—of the change, that is to say, to be effected in the situation or attempted—and that the precise nature of the situation and relations from which the supposed agent started was negligible.

The result of the error was the production of one or more universal and absolute rules of conduct which flagrantly contradicted our common judgements. The utilitarians, for instance, declared that our duty was always and only to produce the greatest amount of happiness, or perhaps of good, possible. If it was objected that we have special responsibilities to our parents, countrymen, or creditors, they replied that these persons were merely the most convenient dumping-grounds for happiness or good—perhaps we should say rather the most fruitful soil for utilitarian tillage. Kant, on the other hand, somewhat similarly[1] asserted that never under any circumstances ought we

[1] Kant held that there were various types of 'obligation', and his refusal to consider the consequent possibility of conflicting claims does not seem necessary to his view. For utilitarians there can be no conflict.

to tell an untruth or to commit suicide or to resist the state, and tried to subsume these and other apparently heterogeneous obligations under the negative principle of never acting on a maxim which, if universally adopted, would involve contradiction. It has been often enough pointed out that the possibility of such contradiction, as well as the shocking nature of his prohibitions, depends upon a failure to distinguish the varying situations in which it might occur to a man to say what was not true or to put an end to his misery. But perhaps it has not been remarked that Kant's mistake here is in one way similar to the utilitarian's, though less gross. Utilitarians think we ought, under whatever circumstances, to do the acts that will produce most happiness. Kant thinks we ought, under whatever circumstances, to refrain from acts of certain kinds, such as breaking promises. Both fail to allow any weight to the situation which might give rise to conflicting claims. It seems clear that we do sometimes think we have a responsibility to tell the truth or to keep a promise and also one to spare pain; a responsibility to obey an unjust law and also one not to do the injustice which it enjoins; and that other people have claims that we should do these things. But it is equally clear that we do not think on every conceivable occasion that we absolutely ought to do these things; it may well be impossible both to tell the truth and to spare pain, both to obey a law and to treat our fellows justly. Or we may have inadvertently made two promises,

both of which cannot be kept, so that it cannot be our *duty* to keep both. These, then, are only responsibilities and claims; which of them in any situation is the strongest, and so gives rise to the obligation of that situation, depends on the concrete situation, which includes the relation between all parties concerned. I think Kant's mistake is less gross because, since he bases the obligation on the nature of the action instead of on the nature of the total resultant feeling, he must, however inadequately, take *some* account of the parties to the transaction: it is myself that I must not kill,[1] it is the person I have promised whom I must not disappoint. But he always emphasizes *what* is to be done rather than the relation of the agent and the patient as the ground of obligation, in Aristotelian language the τί rather than the τίς καὶ τίνι. This is very clear when he tells us to treat humanity *in ourselves or in another* always as an end, never as a means only.

The analogy in political philosophy is plain. Utilitarians hold that we ought always to produce the greatest happiness possible, and there can only appear to be any special obligation to our own nation because it is the most convenient dumping-ground, or the most direct channel. Kant tells us that we must never under any circumstances rebel, never forestall foreign

[1] I think that some of Kant's several arguments against suicide, if they proved anything, would prove both capital punishment (which he approves) and homicide in self-defence (which does not interest him) wrong.

aggression by a defensive offensive, and never disown national liabilities; and he subsumes these precepts with others under the general rules that all acts are politically wrong which would be stultified by avowing their principle in advance, all are politically right whose success depends upon such avowal.[1]

Hegel asserts that the individual has no rights against his state and *a fortiori* never any duty to resist it, and that no state has any duties to others; but he saves a situation which was becoming ludicrous by recalling that he is speaking only of ideal States. But I suppose that no state would be ideal unless all its members (for ideally all would share in legislation or administration) were ideal; and then, as the Marxian correctly points out, the ideal state is the absence of the coercive state. It passes in glory out of sight. But no philosopher has protested more vehemently than Hegel against empty ideals and false abstractions. It may seldom happen that men find themselves thrown with one foreigner upon a desert island or into lands where no writ runs, but such possibilities are more 'concrete' and their hypothetical consideration more

[1] *Perpetual Peace* (*Zum ewigen Frieden*, 1795), App. II (Cassirer VI), trans. Hastie, *Kant's Principles of Politics*, and M. C. Smith, *Kant's Perpetual Peace*. This is later than the formulation of the 'non-contradiction if universalized' principle in the *Foundation of Metaphysic of Moral* (1785). The germs of both may perhaps be discovered in the *Lectures on Ethics* (1776–80) published from pupil's notes by Menzer (1924), p. 52 (E.T., p. 43). 'The bad man *conceals* his maxims because, if *universally followed*, they would *defeat his purpose* in following them' (*my italics*).

instructive than the discussion of what would be our duties in and to an ideal State.

It is now possible to put rather more precisely what I take the main problem of 'political philosophy' to be:—What must be the character of the enacting party, or its relation to myself and others, if there can be on my part an obligation of the kind usually indicated by saying 'I ought to obey the law'? From what has been already said it can be seen that there are three main types of traditional answer. The first (A 1) replies that the enacting party, if I ought to obey him, must be one whom I have explicitly or tacitly undertaken to obey, whether this undertaking has been made to the enactor or to some other party. The second (A 2) replies that the enacting party must be one, obedience to which, by all to whom its commands are issued, is so generally beneficial to humanity that, in order to fulfil my general obligation to promote happiness or well-being, I must obey even its pernicious commands whenever my disobedience would weaken its authority. The last (B) answer is that the enacting party must be one which is able either (B 1) to make my satisfaction depend on my obedience or (B 2) to know better than I do where my satisfaction is to be found; it must, in fact, be an expression of 'my real will'[1] for satisfaction.

Most of those who give the first answer (A 1) would admit 'exceptions', or, more accurately, would admit that the claim on me to keep the contract might

[1] See Chs. XI, XIV.

be overridden by a stronger claim, or dissolved by the defalcation of the other party. Most of those who give the second answer (A 2) would, I think, admit no exceptions. But I do not see why it might not be granted that the claim upon me to promote happiness or well-being is only one among others and can therefore be overridden, for instance by a claim in the nature of justice. We might, then, amend the utilitarian definition, and instead of saying that if I ought publicly to obey a sovereign it must be a sovereign whose authority, on the whole, contributes to human well-being, we might (A 3) say it must be one whose authority, on the whole, contributes either to human well-being or to justice or both. If the authority of such a sovereign were of use for one of these purposes but not for the other, I should have to make up my mind whether by publicly obeying it I was fulfilling a stronger claim than I was neglecting: whether, in a given situation, I was bound to produce a certain amount of well-being or to do a certain amount of justice. The last view (B) is the most unconditional. As I have said, these three essentially different answers to our problem, the contractual, the utilitarian, and the hedonist or eudaemonist, have in the history of the subject seldom been presented in purity. Supporters of the contract theory have not been courageous enough to deny that the beneficial or pernicious consequences of keeping the contract must be considered. Utilitarians have often admitted a contract, perhaps because without it the complete sacrifice of

individuals or classes to a slight increase of general happiness, though logically demanded by their theory, would have been shocking. They were thus able to regard an oppressed minority as merely the victims of their own bad bargain. The eudaemonists have agreed that my satisfaction is to arise from 'a common good'.

It seems best, then, to take first the historical method by considering the combinations of these theories actually found in influential writers, asking how far they were able to give consistent and acceptable accounts of the facts, and later to attempt briefly the analytical task of comparing the adequacy of the theories in their purity.

II

SUMMARY OF SOME ANCIENT THEORIES

PERHAPS the simplest statement of the contract theory is that put into the mouth of Socrates by Plato in the *Crito*. Socrates, awaiting execution in prison, is begged to escape by friends who have provided means for the purpose. He personifies the Laws of Athens as pleading:

'What can be your intention, Socrates, in this attempt, except to destroy the whole constitution of the city, so far as in you lies? Do you think that a state can remain unsubverted, if its sentences are not enforced but are evaded and set at nought by its subjects?'

He argues that the injustice of the sentence does not excuse its evasion, for the Laws may say:

'Were those the terms of our compact, or were they that the decision of the state should be final? . . . Did we not preside over your very birth, when your father begat you in lawful marriage? Do you question the institution of marriage or that of the education you were brought up in? Were we not wise so far as we prescribed to your father that he should give you a liberal education of mind and body? Then, since we brought you into the world and brought you up and educated you, can you deny that you are our child and our chattel as your fathers were before you? Do you think we are on such terms of equality with you that it is right for you to retaliate upon us, whatever we may have done to you? Surely you would not

have thought yourself on such equal terms with your father or your master, if you had one, as to retaliate with railing for railing or blow for blow. So how can it be right for you to do so to your country and its laws? Will you do your utmost to destroy them just because they think it right to put you to death? . . . And if anyone does not like the city and its constitution there is no law to hinder or prevent him from going away wherever he likes, either to the colonies or to some foreign country and taking his property with him. But when a full grown man has seen how we administer justice and govern the city, then, if he still stays there, we conclude that he has thereby come to a tacit agreement to obey us in all things. And we say that every rebel is guilty on three counts; for he disobeys those to whom he owes his birth, and those to whom he owes his upbringing, and those whom he has promised to obey. He does not even reason with us and convince us of our error, though we are no tyrants, but give him the choice either to obey us or to win us over; but he accepts neither alternative.'

Here the grounds of political obligation are laid entirely in the past, in benefits received and in an implied contract. There is no hint of utilitarianism. It is, however, allowed that the contract is only binding because the subject has two alternatives to sheer obedience: emigration and argument. Apparently in a country where emigration was forbidden or heavily fined, or where there was no freedom of speech, perhaps in any country but a democracy, the obligation would be at least diminished. And if Socrates had not admitted the value of the institu-

tions in which he had grown up, the argument from benefits would have collapsed.

Only one slight complication arises from the picturesque personification of the Laws, as if it were to them that the obligation related. This might suggest a foreshadowing of some Hegelian doctrine of the State and the Real Will, especially when we remember the Greek view of law as less human than divine. 'Our country is something more valuable and venerable and holy than father or mother *or ancestors*, and higher in the sight of Gods and of all wise men'.[1] There are natural laws, presumably embodied in the custom and constitution of our land, which no man-made edict can override:

> νόμοι πρόκεινται
> ὑψίποδες, οὐρανίᾳ 'ν
> αἰθέρι τεκνωθέντες, ὧν Ὄλυμπος
> πατὴρ μόνος, οὐδέ νιν
> θνατὰ φύσις ἀνέρων
> ἔτικτεν.[2]

And Antigone,[3] in a well-known passage, defends her disobedience since it was not Zeus that forbade the deed, nor Justice, whose seat is with the powers which rule beyond the grave.

I do not think Plato, in the *Crito*, had in mind these unwritten laws, for he clearly allows both that laws may be altered and that they may be different in different cities. But if we want to understand his whole view we must remember that in the *Apology*[4] he makes

[1] *Crito*, 51. [2] Soph., *O.T.* 865. [3] *Ant.* 450. [4] 31, 39; cf. Ep. VII.

Socrates defend his contumacious freedom of speech on the ground that it was his duty to his country to criticize its evil ways. A man should obey the laws when they treat him unjustly, but not when they bid him do unjustly. And in the *Republic*[1] Plato admits a utilitarian criterion by defining the ruler, to whom obedience is due, as strictly speaking one who rules in the interests of the subjects, and by admitting[2] that the justification of government is its care for the happiness not of one class but of the whole. That, he thinks, is political justice. And though in the *Crito* he might seem to identify law with the 'general will',[3] he also argues that we ought to obey one wise statesman,[4] if he can be found, rather than all the other citizens. In the *Politicus* it is said that the government we ought really to obey is that of the ideally wise;[5] whether they rule by law or without it, with or without consent, provided they act with wisdom and justice, so as to give security to their subjects and, if possible, to make them better men, they are the only genuine government. But since this cannot be secured, the next best thing is government according to laws; that is at least better than capricious self-interest. But perhaps Plato's most interesting contribution to the subject is that striking defence of the democracy he so much distrusted which is put into the mouth of Protagoras. Zeus allotted the faculties for other arts,

[1] 342. [2] 420.
[3] τὸ κοινὸν τῆς πόλεως, 50. See Chs. VI and XIV.
[4] εἴ τίς ἐστιν ἐπαΐων, 47. [5] ἐπιστήμονες, 293–302.

some to one man and some to another, so that for medicine we go to a specialist; but he assigned to all men their shares of justice and decency,[1] which are the faculties for the political art, so that in government we consult all men; and those who have no share in these virtues have no place in human society. Hence it might be inferred that we owe obedience to commands in proportion as they are the commands of just and decent men.

Aristotle takes a rather more utilitarian view, but will be found at bottom, as we should expect, eudaemonist. He would agree with Plato, that, so far as the formation of states was a conscious rather than an instinctive process, the motive was a selfish if natural one, the desire to support life.[2] But the proper 'end' or justification of a state is justice, so that presumably it is because of, and in proportion to its justice that we should obey it. Justice, however, by the usual utilitarian paradox he identifies with the common good or welfare of the community as a whole; and yet justice is some kind of equality.[3] All constitutions which are administered in the interest of the community as a whole and not only of the governing class deserve the name of state, and, presumably, our obedience.[4] Every state is indeed a partnership for common good or mutual advantage,[5] but any

[1] *Prot.* 322–3, Δίκη καὶ αἰδώς.
[2] *Pol.* I. i, ii.
[3] *Pol.* 1282*b*.
[4] *Pol.* 1279*a*.
[5] κοινωνία ἀγαθοῦ τινὸς ἕνεκεν. *Pol.* 1252*a*; ἡ πολιτικὴ κοινωνία τοῦ συμφέροντος χάριν. *Eth. Nic.* 1160*a*, 11.

state that deserves the name (or our obedience) must legislate with a view to the moral improvement of its citizens, and not only to the maintenance of their rights against one another. Otherwise the partnership degenerates into a mere military alliance and law into a contract.[1]

As to the form of government, the many, though individually inferior to the few wise, are collectively superior. At least they are the best judges of when they are badly ruled, and should therefore elect and dismiss their expert rulers.[2] But the majority can rule unjustly no less than the minority,[3] and Aristotle thinks that, as some men are so inferior to others as to be enslaved with justice,[4] because to their own advantage, so others are justly excluded from citizenship,[5] and the best form of government depends on the nature of the parties concerned. He would certainly have governed an immature race paternally. But government should always be by laws, in spite of their generality, rather than by edict or executive authority, for law is made in a cool hour and its incidence can be foreseen.[6]

Aristotle's moral philosophy had made virtue consist in the achievement of a 'good life'[7] for oneself. But owing to man's social nature, this could not be done without justice, the very bond of union,[8] which

[1] ὁ νόμος συνθήκη. *Pol.* 1280*b*. [2] *Pol.* 1281*b*.
[3] *Pol.* 1318*a*. Cf. Xen., *Mem.* I. ii. 44.
[4] *Pol.* 1255*a*. [5] *Pol.* III. iv, v.
[6] *Pol.* 1282*b*, 1286*a*, 1287*a*. Cf. Hume, p. 52 below.
[7] εὐδαιμονία. Almost happiness. [8] *Eth. Nic.* 1159*b*, 26.

'alone of all the virtues seems to be altruistic'. Yet, in a sense, justice covers all the virtues and shines more conspicuous than the morning or the evening star.[1] Having thus recognized duties to our neighbours incompatible with his view of virtue as self-regarding, Aristotle attempts to bridge the gulf by defining a 'neighbour' or friend as another self.[2] Friendship is a partnership for mutual advantage, and so, as we have seen, is the state.[3]

Members of a state, then, co-operate for their mutual advantage; and each individual conforms so far as his own advantage is thereby secured. Since it is so secured to a very great degree, the state is natural; it is necessary to the development of man. The virtue of prudence and political virtue are the same habit of mind[4] (ability to deliberate well about what is good and advantageous for oneself, viewing life as a whole[5]) though they are distinguishable. Such, I think, is Aristotle's usual account of the state, though he often diverges from it to one which really allows of obligation. It does not seem to allow for justice to individuals in any other sense than utilitarianism does, or for justice to those outside the community at all.[6] Perhaps it is the germ of the theory of the Real Will.

[1] Ibid. 1129*b*, 30. [2] Ibid. 1166*a*, 31.

[3] Ibid. 1160*a*, 11.

[4] Ἔστι δὲ καὶ ἡ πολιτικὴ καὶ ἡ φρόνησις ἡ αὐτὴ μὲν ἕξις, τὸ μέντοι εἶναι οὐ ταὐτὸν αὐταῖς. Ibid. 1141*b*, 23.

[5] Ibid. 1140*a*, 25.

[6] An inconsistent divergence, as I think, is in *Pol.* 1333*b*.

Later Greek and Roman thought did not diminish the confusion found in Plato and Aristotle as to whether obedience to the state is a duty or merely advantageous. The Stoic conceptions of citizenship of the world and of natural law had by Christians to be conjoined, if they could not be connected, with a supposed divine ordinance of submission to whatever powers might be.

Cicero, whose influence was to be great, had a taste and talent for eclecticism and was prepared in one sentence to appeal to utility, to contract and to consent. *Est igitur res publica res populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis iuris consensu et utilitatis communione sociatus*,[1] and in this respect St. Thomas Aquinas, some twelve centuries later, was little behind him.

'A law is an ordinance of reason for the common good promulgated by one who has the care of the community. . . . A law is most properly an ordinance for the common good, and the right to ordain anything for the common good belongs either to the whole multitude or to some one who acts in the place of the whole multitude.'[2]

But such a representative could probably only be appointed by God, and might be a bad ruler.[3]

[1] *De Repub.* i. 25.
[2] *Summa Theol.*, Prima Secundae Partis, Q. xc, art. iii, iv.
[3] Ibid. ii. 2, civ. 6. Cf. St. Augustine, *De Civ. Dei*, v. 19.

III

HOBBES

MEDIEVAL and Renaissance writers seem often to have prided themselves upon eclecticism as a mark of learning more than upon consistency. In this tradition Hooker gives so many characteristics which deserve obedience that he seems to hope some of them may possibly be found in actual laws. If laws are derived from the Law of Reason or the law of God, or if they promote happiness or virtue, or if we have given our consent to them, or if they prevent disputes, or are fit or convenient, we ought to obey them.[1] It is the contrast with such vagueness which gives half its impressiveness to Hobbes's unhesitating intransigence; the other half is due to his incomparable philosophical style, to one adroit ambiguity and one grain of truth.

If Plato had been treated in the spirit of Old Testament commentary we should perhaps regard Thrasymachus as the antitype of Hobbes. What in the first book of the *Republic* we see as in a glass darkly we meet in the *Leviathan* face to face. Might is right. The name of justice is given to obeying the commands of any

[1] *Ecclesiastical Polity*, I. x (1594). Hooker's merit is to hold clearly that natural reason draws certain rules for the conduct of men to men as equals even as they are men, though they should have no settled fellowship or agreement. Desiring fellowship, they draw up other rules whose authority depends upon consent.

who can enforce them. Those who issue commands issue them in their own interests, and we obey them, however loath, for fear of a worse fate. But Hobbes's picture is darker still; he entangles us more inextricably in our slavish fate. The fear that constrains us is not only our fear of the tyrant, which might be tempered by assassination, but our fear of our fellow slaves. *Homo homini lupus*, and the whips of any despotism are better than the scorpions of that anarchy, to escape which we sold ourselves into bondage. The most important difference is that the timid Hobbes thinks men so equal in intent and capacity to injure that all are gainers by the general loss of liberty.[1] Thrasymachus, with a more childish self-confidence, thinks that the establishment of laws only confirms and strengthens that advantage which the strong and cunning had always held.[2] They therefore gain by the establishment, while the weaker lose; though, once it has been made, the confirmed strength of the stronger makes it still more the interest of the weaker to obey when they cannot escape detection.[3]

'Whatsoever is the object of any man's appetite or desire, that is it which he for his part, calleth *good*, and the object of his hate and aversion *evil*. . . . *Pleasure* therefore (or *delight*), is the apparance or sense of good.'[4] Here Hobbes unequivocally adopts our

[1] This is like the position of Glaucon. Plato, *Rep.* ii. 359.

[2] Ibid. i. 340.

[3] Adeimantus emphasizes the point that nobody would be just if he could escape detection. Ibid. ii. 363–7.

[4] *Leviathan* (1651), vi.

second main theory (B), and from this all the rest follows of course. 'No man obeys whom [*sic*] they think have no power to help or hurt them.' Our motives for obedience are, besides fear, desire of ease and sensual delight, and also of knowledge and the arts of peace.[1] It is absurd to speak of a moral obligation to obey, for 'Where there is no common power (and there is no common power over the sovereign and his subjects), there is no law; where no law, no injustice'.[2]

There is one right of nature:

'the liberty each man hath to use his own power, as he will himself, for the preservation of his own nature; that is to say of his own life. . . . And because the condition of man . . . is a condition of war of every one against every one, . . . every man has a right to everything; even to one another's body. And therefore, as long as this natural right of every man to everything endureth, there can be no security to any man, how strong or wise soever he be, of living out the time which nature ordinarily alloweth men to live. And consequently it is a precept, or general rule of reason, *that every man ought to endeavour peace as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all help, and advantages of war.* . . . Of the voluntary acts of every man, the object is some *good to himself*.'[3]

'The obligation of subjects to the sovereign is understood to last as long, and no longer, than the power lasteth by which he is able to protect them. . . . The end of

[1] Ibid. x, xi.
[2] Ibid. xiii.
[3] Ibid. xiv. Cf. p. 128 below.

obedience is protection, which, wheresoever a man seeth it, either in his own or in another's sword, nature applieth his obedience to it, and his endeavour to maintain it.'[1]

This is all quite clear and quite consistent[2] and, I think, quite wrong. What is called our duty or obligation to obey the laws is the fact, when it is a fact—and Hobbes thinks this very often—that it is our advantage to do so. It is to our advantage because disobedience will either be punished or issue in rebellion, between whose bloody motion and its event must intervene that State of War in which the best to be said about man's life is that it is short.

Such an account would hardly have commended itself without the ambiguity, which, in speaking of Hobbes, it seems more charitable to call adroit than lucky.[3] He undertakes to tell us, though it does not affect his theory, how this sovereign, which we are so much interested to obey, came to be there.

From man's first miserable state, with its two rights, vainly to seek peace and by all means he can to defend himself, it follows:

'that a man be willing, when others are so too, as farforth, as for peace, and defence of himself he shall think

[1] *Leviathan*, xxi.

[2] Once granting the fantastic meanings he has given to the phrases 'right of nature' (= power) and 'rule of reason' (= prudent calculation), and keeping out of mind their usual meanings, which he probably intends still to influence us, and which perhaps still influenced him.

[3] For he means by charity the feeling of power. And it gives a greater sense of power to detect a cunning sophism than a stupid blunder. See below, pp. 33–4.

it necessary, to lay down this right to all things; and be contented with so much liberty against other men as he would allow other men against himself. . . . And when a man hath abandoned or granted away his right; then is he said to be *obliged*, or *bound*, not to hinder those, to whom such right is granted or abandoned, from the benefit of it: and that he *ought* and it is his *duty*, not to make void that voluntary act of his own: and that such hindrance is *iniustice* and *injury*.[1] . . .'

'A *commonwealth* is said to be *instituted*, when a *multitude* of men do agree, and *covenant*, *every one*, *with every one*, that to whatsoever *man* or *assembly of men*, shall be given by the major part, the *right* to *present* the person of them all, that is to say, to be their *representative*; every one, as well he that *voted for it*,[2] as he that *voted against it*, shall *authorize* all the actions and judgements of that man, or assembly of men, in the same manner as if they were his own. . . . Because the right of bearing the person of them all, is given to him they make sovereign, by covenant only of one to another, and not of him to any of them; there can happen no breach of covenant on the part of the sovereign; . . . whatsoever he doth it can be no injury to any of his subjects.'[3]

It is a law of Nature 'that men keep their covenants made'.[4] And the covenant is eternal on both sides.

'There is no perfect form of government where the disposing of the succession is not in the present sovereign.'[5]

[1] Ibid. xiv.

[2] i.e. for the elected sovereign, not for the original covenant, for which all must have voted.

[3] Ibid. xviii. [4] Ibid. xv. [5] Ibid. xix.

'He that hath the dominion over the child, hath dominion also over the children of the child; and over their children's children. For he that hath dominion over the person of a man, hath dominion over all that is his.'[1]

It is easy to see how commentators on Hobbes have often supposed that he really based the obligation to obey the sovereign upon a contract, and accordingly should come under that heading (A 1) in our classification of theories rather than among the hedonists (B). And in truth Hobbes allows that a man may be in conscience (*in foro interno*) bound to keep even an unprofitable covenant,[2] for it is commanded by God, and 'the right of afflicting men at his pleasure belongeth naturally to God Almighty . . . as omnipotent. . . . The right of afflicting is not always derived from men's sin but from God's power.'[3] Yet even in this peculiar sense of the word conscience, 'the laws of Nature oblige *in foro interno*; that is to say, they bind to a desire they should take place; but in *foro externo*; that is, to the putting them in act, not always'.[4]

Critics who have taken this view of Hobbes have consequently often confined themselves to questioning his cynical psychology, to doubting the fact of such a covenant, or to asking why, if made, it should not be a covenant on terms, and why it should bind the makers' children. The furthest they have gone is to ask how there could be any obligation to keep a covenant made among men with no obligations one

[1] Ibid., xx.
[2] Ibid. xv.
[3] Ibid. xxxi.
[4] Ibid. xv.

to another—*inter homines hominibus lupos*.[1] But all such skirmishing leaves Hobbes's central position unthreatened, for the 'obligation' to keep the covenant is only the 'obligation' of self-interest. 'Covenants, without the sword, are but words, and of no strength to secure a man at all.'[2] 'The opinion that any monarch receiveth his power by covenant, that is to say, on condition, proceedeth from want of understanding this easy truth, that covenants being but words and breath, have no force to *oblige*, contain, or protect any man.'[3] 'Justice therefore, that is to say, keeping of covenant, is a rule of reason, by which we are forbidden to do anything destructive to our life; and *consequently* a law of Nature.'[4] The only reason given why we 'ought' not to disobey where we think we can escape or defy detection is that even 'though the event (i.e. advantage) follows, yet it cannot reasonably be expected'.[5]

How little Hobbes in fact relied upon the covenant

[1] Though the sovereign cannot behave unjustly he can iniquitously, i.e. disobey God (ibid. xviii). Hobbes really admits there is no obligation to keep the first covenant (which precedes the election of the sovereign) until the sovereign is elected to enforce it and does so. But a covenant which, when made, there was no obligation to keep, has a questionable past. He tries to deduce a duty to keep covenants from a duty to obey and vice versa.

[2] Ibid. xvii; cf. xiv.

[3] Ibid. xviii. (*My italics*.)

[4] Ibid. xv. (*My italics*.) Laws of Nature or of Reason, as distinct from the Right of Nature, are reasonable maxims for securing peace, 'hypothetical imperatives'. Cf. xiii, xiv.

[5] Ibid. xv.

is shown in his placing commonwealths by acquisition, that is, where the sovereign power is got by force, on precisely the same footing as a commonwealth by institution. In them either the vanquished has made an unconditional covenant to obey the victor, or a child has expressly or 'by other sufficient arguments' declared its consent.[1]

Finally it is clear that no covenant binds contrary to interest, since for Hobbes it is impossible even to make a contract which it must be contrary to our interest to keep, as for instance, to endanger our lives or to obey one who is not strong enough to protect us in return. 'The end of obedience is protection, which, wheresoever a man seeth, either in his own or in another's sword, nature applieth his obedience to it.'[2] Hobbes even seems to allow that if the sovereign make any distribution of lands in prejudice of peace and security, and consequently contrary to the will of all his subjects that committed their peace and security to him, such distribution may be reputed void.[3] There is then no obligation except self-interest; that is to say, no obligation at all. Hobbes was justly as well as temperamentally frightened at the spread of the revolutionary doctrine that a man should obey no laws not approved by his own conscience, a doctrine which had proved as troublesome to Cromwell as to Charles Stuart, and which must have given to lovers of security the same sense of vertigo which has been produced in our own day by

[1] Ibid., xx. [2] Ibid. xiv, xxi. [3] Ibid. xxiv.

bolshevism. It was too late to appeal to the authority of the church for obedience to God's anointed, or so it seemed to Hobbes, judging other men's scepticism, as he did their timidity, by his own. Moreover, there were now rival churches, and the dangers of ecclesiastical intrigue against secular power were increased. But he thought that in self-interest he had found a motive of obedience that would be a universal substitute for spiritual authority. Unfortunately men's opinions as to where their interest lies are as divergent as their consciences. Hobbes himself had to allow that each must judge when the sovereign's orders endanger his life or property, or when the security offered is even less certain than the hopes of successful rebellion.[1] Moreover, men are apter to take risks than he supposed, and much apter to take them for generous motives.

This cynical psychology is very well refuted by Bishop Butler in the passage[2] where he criticizes Hobbes's[3] identification of charity with love of power:

'Is there not often the appearance of men's distinguishing between two or more persons, preferring one before another, to do good to, in cases where love of power cannot in the least account for the distinction and preference? For this principle can no otherwise distinguish between objects, than as it is a greater instance and exertion of power to do good to one rather than to another. Again, suppose good-will in the mind of man to be

[1] Ibid. xiv, xxi, xxiv, loc. cit.
[2] *Sermon*, i, note.
[3] *Of Human Nature*, § 17.

nothing but delight in the exercise of power: men . . . would have a disposition to, and delight in mischief, as an exercise and proof of power. And this disposition and delight would arise from, or be the same principle in the mind, as a disposition to and delight in charity. Thus cruelty, as distinct from envy and resentment, would be exactly the same in the mind of man as good-will: That one tends to the happiness, the other to the misery of our fellow creatures, is, it seems, merely an accidental circumstance, which the mind has not the least regard to. These are the absurdities which even men of capacity run into, when they have occasion to belie their nature. . . . Could any one be thoroughly satisfied, that what is commonly called benevolence or good-will was really the affection meant, but only by being made to understand that this learned person had a general hypothesis, to which the appearance of good-will could no otherwise be reconciled?'

The definition of pity as 'an imagination, or fiction, of future calamity to ourselves, proceeding from the sense of another man's calamity'[1] is similarly criticized.[2]

'Hobbs, after having laid down that pity, or compassion, is only fear for ourselves, goes on to explain why we pity our friends in distress more than others. Now, substitute the *definition* for the word *pity* in this place, and the inquiry will be, why we fear our friends. . . . The very joining of the words to *pity our friends* is a direct contradiction to his definition of pity. . . . Had he put the thing plainly, the fact itself would have been doubted that *the sight of our friends* (or the innocent) *in distress raises in us greater fear for our-*

[1] Hobbes, *Of Human Nature*, §10.

[2] Butler, *Sermon*, v, note.

selves, than the sight of others in distress. And, in the next place, it would immediately have occurred to every one, that the fact now mentioned, which, at least, is doubtful, whether true or false, was not the same with this fact, which nobody ever doubted, that *the sight of our friends* (or the innocent) *in distress raises in us greater compassion than the sight of others in distress*; every one, I say, would have seen that these are not the *same*, but *two different* inquiries; and, consequently, that fear and compassion are not the same. Suppose a person to be in real danger, and by some means or other to have forgotten it, any trifling accident, any sound might alarm him, recall the danger to his remembrance, and renew his fear: but it is almost too grossly ridiculous to speak of that sound, or accident, as an object of compassion; and yet, according to Mr. Hobbs, our greatest friend in distress is no more to us, no more the object of compassion, or of any affection in our hearts. Neither the one nor the other raises any emotion in our mind, but only the thought of our liableness to calamity, and the fear of it; and both equally do this. It is right such sorts of accounts of human nature should be shown to be what they really are, because there is raised upon them a general scheme, which undermines the whole foundations of common justice and honesty.'

It would be hard to find a better instance of the definite refutation of sophistry or of definite philosophical advance. It is disappointing that most subsequent writers on political philosophy have neglected it, and have continued to assume that the only human motive is a desire for personal good.[1]

[1] Cf. p. 128 below.

In endeavouring to bridge the really impassable gulf between his assertion that 'reason directeth man to his own good' (good being 'the object of any man's appetite or desire', and our strongest desires being for security and power) and his assertion that we are under *obligation*[1] to obey the sovereign, Hobbes insinuated an ingenious way of talking which has had an incalculable influence on the history of our subject. Having supposed that our ancestors, in order to escape dangers, voluntarily contracted either with one another (by institution) or with a victor (by acquisition) or with a parent (by generation) to obey the sovereign, he concludes that all the acts of the sovereign are our own. If the sovereign injures me I am injuring myself, and, by the same argument, if I injure him I must be injuring myself, so that there is no difference between the two injuries. The implication really seems to be that all the unforeseen consequences of my contractual act are, in the same sense, my acts.

'A person is he, "whose words or actions are considered, either as his own, or as representing the words or actions of another man, or of any other thing, to whom they are attributed, whether truly or by fiction". When they are considered as his own, then is he called a "natural person": and when they are considered as representing the words

[1] If Hobbes and his readers could really keep their minds quite clear of the ordinary meaning of this word, and take it simply to mean self-interest, there would be no gulf to bridge. But then, I think, the great *Leviathan* would only be a museum piece.

or actions of another, then is he a "feigned" or "artificial person". . . . A multitude of men are made "one" person, when they are by one man or one person represented, so that it be done with the consent of every one of that multitude in particular. . . . And "unity" cannot otherwise be understood in multitude.'[1]

'The only way to erect such a power, as may be able to defend them from the invasion of foreigners, and the injuries of one another, . . . is to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, to one will: which is as much as to say, to appoint one man or assembly of men, to bear their person. . . . This is more than consent or concord; it is a real unity of them all in one and the same person. . . . This done, the multitude so united in one person is called a "commonwealth", in Latin *civitas*. This is the generation of that great "Leviathan", or rather, to speak more reverently, of that "mortal god";[2] . . . and he that carrieth the person is called "sovereign".

'If he that attempteth to depose his sovereign, be killed, or punished by him for such attempt, he is author of his own punishment, as being by the institution, author of all his sovereign shall do.'[3]

[1] *Leviathan*, xvi. Cf. Bosanquet, *Philosophical Theory of the State*, p. 59. 'The terms of the paradox of self-government become irreconcilable . . . so long as to every individual, taken as the true self, the restraint enforced by the impact of others is alien.'

[2] Cf. Hegel, *Philosophie des Rechts*, § 258. 'The existence of the state is God's process in the world. The Idea of the state is the true God, but as the most villainous cripple is a man, so with states.' See p. 106 below.

[3] *Leviathan*, xvii. Though it is impossible to covenant away

'Though he that is subject to no civil law sinneth in all he does against his conscience, because he has no rule to follow but his own reason; yet it is not so with him that lives in a commonwealth; because the law is the public conscience, by which he hath already undertaken to be guided.'[1]

If we consider the motives of that undertaking, they will not seem unworthy of being invoked as a conscience to justify the most infamous obedience.[2]

Such are the consequences of assuming that there are no bonds either of love or duty between persons: the great Leviathan must be one person, but, we may remember, a feigned or artificial person; a fabulous monster. It was left for Rousseau to deny that the 'moral person' or 'common self' which he identifies with the state was an *être de raison*.[3]

The grain of truth which may be attributed to Hobbes is that a duty to obey, when commanded to do actions which we should not otherwise have thought right, might depend on one of two things, either that we had promised obedience to the commander, or that his authority would be impaired by

one's life or liberty (xiv, xxi). Cf. Green, *Political Obligation*, § 186: 'The criminal sees that the punishment is his own act returning on himself.'

[1] *Leviathan*, xxix.

[2] '*2nd Murderer*: Come, he dies: I had forgot the reward.
1st Murderer: Where's thy conscience now?
2nd Murderer: In the Duke of Gloster's purse.'
Shakespeare, *Rich. III*, I. iv.

[3] *Contrat Social*, I. vii.

our disobedience, and is an authority that, upon the whole, secures to our fellow men a justice and a well-being which we see no better way of affording them. In the latter case our obligation to the sovereign *is* roughly proportionate to its efficiency.

IV

SPINOZA

SPINOZA asserts that the difference between himself and Hobbes in political theory is that he himself never allows man's natural right to be diminished, but holds that the sovereign in any state has only so much right over the subjects as he has greater power than they; just as is always the situation in a state of nature.[1] That is to say, Spinoza does not take advantage of Hobbes's ambiguous and otiose argument that it is a law of nature for a man to keep his covenant, but rests content with the might of the ruler as the measure of his right, and the self-interest of the subject as his only motive for obedience. But in this assertion Spinoza does himself both less and more than justice. In the endeavour to show that obedience to the stronger, even when detection is impossible, is always to our interest he does use a fallacy not unlike Hobbes's. And he does differ from him in another and very important point. But he is right in maintaining that their general theories of 'political obligation' are the same, because founded on the same denial of any moral obligation. Men always act with one end in view, namely what is profitable, for

[1] *Epist.* L (1674). The *Ethics* were written mainly in 1662–5; the *Tractatus Theologico-Politicus* was published in 1670; the *Tractatus de Intellectus Emendatione*, the *Ethics*, and the *Tractatus Politicus* were published posthumously.

that is the object of desire.[1] All things, including men, strive to maintain their own existence, taking no account of others.[2] So, since perfection means fulfilment of purpose, whatever exists, so long as it continues to exist, is perfect;[3] the meaning of good is useful.[4] And consequently goodness is relative or subjective.[5] We call that good which we desire.[6] Reason demands that we should love ourselves and seek what is really advantageous, and desire what really leads us to greater perfection (i.e. continued existence), and should, in a word, maintain our own existence.[7] The more a man strives, and is able, to achieve his own advantage, that is, to maintain his own existence, the more virtue does he possess.[8] Right is might.[9] Men have then the right to do all that results from the necessity of their nature, for instance to avenge themselves or to destroy what they hate, or to break their promises.[10]

On the other hand, if we were truly reasonable we should never harm others, but only because it could never be to our advantage.[11] Reason brings men together because that increases their powers; it is because men are more moved by the passions of anger

[1] *Eth.* I, App. [2] Ibid. III. vi; *Tract. Theol. Pol.* XVI.
[3] *Eth.* IV, Pref. [4] Ibid., Def. I. [5] *De Int. Em.*
[6] *Eth.* III. ix, *schol.* [7] Ibid. IV. xviii, *schol.*
[8] Ibid. IV. xx. [9] *Tract. Pol.* II. 4.

[10] *Tract. Theol. Pol.* XVI. Here we have the strange argument that since the power of all nature is the power of God, who has a right to everything, every individual has as much right as power.

[11] *Eth.* IV. xxxv–ix. Animals being weak have no rights. Nor can the poor be very useful. Appendix xvii.

and envy that they are natural enemies.[1] In the state of nature, since each necessarily seeks his own advantage, there is no sin or injustice, but, in a state, right and wrong are defined and enforced by general consent.[2] For the sake of peace and security men unite and agree to lay aside their rights, that is their powers, to everything, and to accept in exchange common rights determined by the power and will of all.[3] But since their natural appetites divide them, they must for this purpose agree to live under the sole sway of reason, which no man *openly* dares to reject for fear of being thought irrational. Yet it is the eternal law of nature that no man can sacrifice any advantage except for one he thinks greater, nor can keep a promise to his own hindrance.[4] So a power must be set up to punish those breaches of the law which, reason tells us, we and others are likely to commit owing to our passions.[5] So just as much right as power is sacrificed, whether by force or voluntarily, and just as much retained. To obey even the most absurd order of the sovereign is always the less of two evils, so long as he has the power of compulsion; and if he lose that he

[1] *Tract. Pol.* II. 13, 14.

[2] Ibid. 15, 16. 'Ex communi sententia, . . . una veluti mente.'

[3] *Tract. Theol. Pol.* XVI. 'Ut jus quod unusquisque ex natura ad omnia habebat, collective haberent, neque amplius ex vi et appetitu uniuscujusque, sed ex omnium simul potentia et voluntate determinaretur.'

[4] 'Pactum nullam vim habere posse, nisi ratione utilitatis, qua sublata, pactum simul tollitur et irritum manet.'

[5] Cf. Hume, *Treatise*, III. ii. 8.

loses his sovereign right. He is only our lawful king until the times do alter. For this reason the commands of sovereigns are seldom very absurd, since it is much to their interest to retain power, and reason guides them, for that purpose, to consult the common interest. This unquestioning obedience to indisputable power is essentially reasonable and therefore is essentially freedom.[1]

Spinoza is obviously faced by the same question which had confronted Hobbes; if I think it advantageous for me to disobey the sovereign and believe that I can escape detection, can there be any reason for obeying? Hobbes had merely said that I can never be sure. But all actions must be guided by probability. Spinoza says that perfidy is wrong (i.e. unreasonable, disadvantageous), because if it were reasonable for one man, it would be reasonable for all, and consequently it would be reasonable for all to enter into perfidious social compacts, and break them at their convenience. This, he says, is absurd.[2] It may be a moral absurdity, but nevertheless it is the only possible conclusion from his premisses already stated. He is only entitled to call it unreasonable when detection is likely. The thought is similar to Kant's first formulation of the categorical imperative: Never act except upon maxims which you can at the same time

[1] Not apparently in Byron's sense of the word:

> Yet, Freedom! yet thy banner, torn, but flying,
> Streams like the thunder-storm *against* the wind.
>
> *Childe Harold*, IV. XCVIII.

[2] *Eth.* IV. lxxii *et schol.*

will should be universally obeyed.[1] But, whatever we may think of Kant's argument, he has a better right to use it than Spinoza, for he believes in obligations which are distinct from self-interest.

The chief advantage Spinoza has over Hobbes is in his truer psychology. Though, as we have seen, he thinks that in the state of nature all men are made hostile to one another by their passions, yet he also allows that we have benevolent or sociable impulses which lead us to friendly intercourse. The pain of a being like ourselves pains us, and his pleasures please us unless we hate or envy him. Consequently the reasonable or virtuous man desires the same good for others as for himself, since nothing is more useful to man than man.[2] This difference of outlook in two theorists starting from similar premisses significantly results in a difference of conclusions. Hobbes thinks far the best sovereign is a monarch, because he is more efficient;[3] Spinoza prefers a democracy, because obedience is more firmly based on love than on fear, and moreover ultimate power (i.e. right) is generally with the majority.[4] Whereas then Hobbes thinks I 'ought' to obey any person that can maintain merely *my* peace and security, Spinoza might add 'and that of my fellow men, so far as I do not envy or hate or fear them'. The very same civil actions which are

[1] *Grundlegung zur Metaphysik der Sitten*, II. Cf. p. 121 n. 2 below.

[2] *Eth.*, III. xxii, xxvii, xxxii *schol.*; IV. xxxv, xxxvii, *schol.* 2.

[3] *Leviathan*, xix.

[4] *Tract. Theol. Pol.* XVI, XVII; *Tract. Pol.* VI. 4, VIII. 3. Cf. Rousseau, *Contrat Social*, I. iv; below, p. 60.

counselled by fear of the sovereign would be counselled to a purely rational man by reason.[1] And since a coercive sovereign is useful, reason would invent one if he did not exist.

Since then, on this view, it is reason which unites men while passions separate them, and since it is so far as he is reasonable that man is himself free and active, while in emotion he is passively affected from without, it is plausible for Spinoza to pass to language, like that of Hobbes, which described the community as the 'common self' of individuals. Indeed he has a much better right to such language, since, on his theory, the reason, which is each man essentially, is a mode of the one attribute of thought belonging to the one substance or God. The passions which divide men are extrinsic affections. Yet Spinoza is much the more cautious here of the two. When he speaks of 'the power and will of all' in the singular, this can only be taken as a normal idiom, since in the same sentence he speaks of men in the plural as *collectively* possessing rights.[2] He speaks of being governed, 'as it were' by a single mind,[3] and his 'union of hearts' is simply agreement as to what is expedient.[4] Indeed it is God who is cast by Spinoza for the part played by the 'real will' in post-Kantian idealism, and perhaps by the 'general will' in Rousseau. And the thought of God is nothing but the thinking of men.[5]

[1] *Eth.* IV, lix, lxxiii.
[2] *Tract. Theol. Pol.* XVI.
[3] *Tract. Pol.* III. 2, IV. 1, *veluti*.
[4] Ibid. II. 16, III. 7–9.
[5] Cf. Green, *Prolegomena to Ethics*, §§ 182, 184; p. 136 below.

To sum up, a man who obeys the sovereign of his society when it seems against his interest does so out of 'loyalty' (*fortitudo*) which is Hobbes's 'gallantness rarely found',[1] and this is only a deeper intelligence of his own interest in the preservation of society. On the other hand, the sovereign has no rights against its subjects, or against outsiders, which it cannot enforce, and can do no injustice to either except when it acts unreasonably,[2] that is, in a way to endanger its own security. If a sovereign should command its citizens to behave internationally in a way which it could enforce, but which would ultimately endanger its prosperity, I do not know what Spinoza thought they would reasonably do.[3] But there can be no doubt that he falls into the same class (B) of our original division as Hobbes. 'Spinoza', says Vico, 'talks of the state as if it were a trading partnership.'[4]

[1] *Lev.* xv.

[2] Cf. Hobbes's view that the sovereign may act iniquitously or perniciously, but not unjustly (*Lev.* xviii), and Rousseau's that the general will must be right, but may be stupid (*Contrat Social*, II. iii). All three conclusions rest on the premiss that men always act for their own supposed interest, and that therefore might is right.

[3] This is the question, raised by Plato (*Rep.* 340), whether the true ruler errs.

[4] *Scienza Nuova* (Versione Secunda), ed. Ferrari, T. v., p. 138.

V

HUME

HUME[1] agrees with Hobbes and Spinoza in refusing to distinguish duty from self-interest; indeed he often uses the word 'obligation' with some such explanatory epithet as 'interested'.[2] He holds that, though we regard with different feelings a parricide and a young oak which crushes the parent tree, there is in fact nothing more 'wrong' in one event than in the other.[3] His fundamental moral position is that 'reason is and ought to be the slave of the passions'.[4] But he goes much beyond Spinoza in opposing Hobbes's egoistic psychology; indeed no philosopher has laid so strong if cool an emphasis on the fact of sympathy. Far from thinking that men have no affection for anything beyond themselves, he is 'of opinion that, though it be rare to meet with one who loves any single person better than himself, yet it is as rare to meet with one in whom all the kind affections, taken together, do not overbalance all the selfish. . . . There are few that do not bestow the largest part of their fortunes on the pleasures of their wives or the educa-

[1] *A Treatise of Human Nature*, 1739. *Principles of Morals*, 1751 (Enquiry). *Political Discourses*, 1752.

[2] T. III. ii. 11. Enquiry, IX. ii. We have an 'interested obligation' to do that in which we shall 'best find our account'.

[3] T. III. i. 1.

[4] T. II. iii. 3. The very phrase 'and ought to be' is inconsistent.

tion of their children.'[1] Consistently with this he holds, like Spinoza, that emotions are infectious. 'As in strings equally wound up, the motion of one communicates itself to the rest, so all the affections readily pass from one person to another and beget correspondent movements in every human creature.'[2] We approve everything that gives us pleasure, and we give what is called *moral* approbation to those acts or qualities which give all men a *sympathetic* pleasure in the mere contemplation.[3] That is to say, we morally approve all acts (or qualities) that are either immediately pleasant or useful, whether to the agent (or possessor), like courage, or to the patient, like charity. In contemplating a brave act we pleasurably sympathize with the agent; in contemplating a beneficent act, with the patient. These sympathetic pleasures are indeed fainter than our own immediate pleasures, but 'being more constant and *universal*,[4] they counterbalance the others even in practice, and are alone admitted in speculation as the standard of virtue and morality'.

This, in brief, is the account which Hume thinks adequate for our 'moral approbation' of what he calls the natural virtues,[5] such as benevolence and courage. It obviously omits obligation, and he has to own that it must also apply to the pleasure we take,

[1] T. III. ii, 2. [2] T. III. iii. 1.
[3] Enquiry, IX.
[4] i.e. not peculiar. T. III. iii, 1 (*my italics*).
[5] Kant's 'imperfect obligations'. *Grundlegung*.

if we are not envious, in contemplating health, wealth, wit, good fortune, and beauty;[1] and, with characteristic sly naïvety, he allows that the obvious difference of our sentiments for these is 'very inexplicable'.[2] But he does not think this account adequate for the virtues of justice and promise-keeping, which he calls 'artificial',[3] as implying some sort of universal convention. Contemplation of a particular just act, say paying a debt or keeping a promise, cannot afford us the direct sympathetic pleasure of contemplating courage or generosity. For, though the creditor is doubtless profited, the debtor may, if he is poorer, be more damnified. It is only in the gross, as a general scheme of social life, that justice is felicific. Men seeing how greatly they would be advantaged by a general security of property and land, each *selfishly* acted so that if others all acted in the same way he would benefit; and, the system once inaugurated, every act that tends to perpetuate it gives us the moral pleasure of sympathy with all who stand to gain by the system.[4] The argument is similar to Hobbes', but Hume tries to avoid by a studious vagueness the gross fiction of a covenant which creates the obligation to keep covenants. He denies that it is a promise, but

[1] To differentiate these as not depending on our free choice would be impossible for Hume, who does not believe in freedom. T. II. iii. 1–3. Cf. E. v. i.

[2] T. III. iii. 5.

[3] Kant's 'perfect obligations', whose neglect, if universalized, is self-contradictory. *Grundlegung*.

[4] T. III. ii. 1, 2, 5, 6. Cf. E. III and Appendix III.

calls it a 'convention', like that which, without words, originated language, or that which induces two men in a sinking boat, without words, both to pull for the shore.[1]

Kant thought we ought not to break our promises, because if all men did so a 'promise' would have no meaning,[2] Hume, because if all men did so we should suffer. Kant does not see that one who is ready to break his promise will not boggle at self-contradiction. Hume never really faces the objection that my secret promise-breaking will not influence others to do the like. Hume is clearly committed to the denial of Hobbes' doctrine that justice came into the world by law. Society and its necessary concomitant justice precede government.[3] Respect for promises and for property is a 'fundamental law' of nature, that is, a tendency of man towards his own advantage. On the other hand, allegiance is not based on a covenant. Though a government could scarce have been set up except by men who understand the nature of the obligation [i.e. surely, interest] to keep promises, yet the duty of allegiance, which was at first grafted on and supported by that obligation, soon takes root of itself, and has an original obligation [i.e. interest] and authority independent of all contracts. The primary motive both of social and civil justice is nothing but self-interest, and there is a separate interest in the obedience to government from that in the perform-

[1] T. III. ii. 1, 2. [2] *Grundlegung.*
[3] T. III. ii. 7, 8. *The Source of Allegiance.*

ance of promises. Nobody, whether a ruler or a subject, really thinks or willingly professes that allegiance depends on a promise, either explicit or tacit. Otherwise we should not condemn a rebellion begun immediately upon a man's reaching years of discretion, nor think treachery more disgraceful in one who had taken an oath of loyalty.[1]

But if justice is to all men's advantage, why should it advantage them to set up governments to enforce it? For the same reason that people take a pledge or put savings into money-boxes: to prevent themselves from impulsively doing what in cool moments they know to be imprudent. So long, then, as government attains the end for which it was created, the maintenance of justice which is so useful to all men, Hume might agree that it represents what Bosanquet[2] says it always is, the Real Will of each; his prudent purpose, which coincides with the prudent purposes of all others, as against the momentary passions of any one. Our natural passions blind us to our own ultimate interest in justice, prejudice our view of what justice is, and make co-operation hazardous because there is no surety for the co-operation of others. For these three dangers reason has devised a cure in government:

'Persons whom we call civil magistrates, kings and their ministers, our governors and rulers, who, being indif-

[1] T. III. ii. 8.

[2] *Philosophical Theory of the State*. Cf. Aristotle's definition of law as νοῦς ἄνευ ὀρέξεως; see p. 22 above.

ferent persons to the greatest part of the State, have no interest, or but a remote one, in any act of injustice; and being satisfied with their present condition, and with their part in society, have an immediate interest in every execution of justice, which is so necessary to the upholding of society. Here then is the origin of civil government and society. Men are not able radically to cure, either in themselves or others, that narrowness of soul which makes them prefer the present to the remote. They cannot change their natures. All they can do is to change their situation and render the observance of justice the immediate interest of some particular persons and its violation their more remote. . . . But this execution of justice, though the principal, is not the only advantage of government. As violent passion hinders men from seeing distinctly the interest they have in an equitable behaviour towards others, so it hinders them from seeing that equity itself, and gives them a remarkable partiality in their own favours. This inconvenience is corrected in the same manner as that above mentioned.[1] . . . But government extends further its beneficial influence; and, not contented to protect men in those conventions they make for their mutual interest, it often obliges them to make such conventions, and forces them to seek their own advantage, by a concurrence in some common end or purpose. . . . It is very difficult, and indeed impossible, that a thousand persons should agree in any such action; it being difficult for them to concert so complicated a design, and still more difficult for them to execute it; while each seeks a pretext to free himself of the trouble and expense, and

[1] T. III. ii. 7. Cf. E. IV. and Rousseau's account of his prince, *Contrat Social*, III. i; cf. II. iv; I. vii.

would lay the whole burden on others. Political society easily remedies both these inconveniences. Magistrates find an immediate interest in the interest of any considerable part of their subjects. . . . Thus, bridges are built, harbours opened, ramparts raised, canals formed, fleets equipped, and armies disciplined everywhere by the care of government, which though composed of men subject to all human infirmities, becomes, by one of the finest and most subtile inventions imaginable, a composition which is in some measure exempted from all these infirmities.'[1]

Our approval of allegiance, then, being wholly based on expediency, the rules by which we determine the rightful sovereign are not those of desert or fitness, which is a matter of opinion, but the same as those by which we determine the rightful owners of property, chiefly present possession or long possession, including succession.

'No maxim is more conformable both to prudence and morals, than to submit quietly to the government which we find established in the country where we happen to live, without enquiring too curiously into its origin and first establishment. . . . [All such questions] are entirely subordinate to the interests of peace and liberty. When the public good does not evidently demand a change, it is certain that the concurrence of all these titles, original contract, long possession, succession and positive laws, forms the strongest title to sovereignty. . . . Whoever considers history . . . will soon learn to treat very lightly

[1] T. III. ii. 7.

all disputes concerning the rights of princes.[1] . . . As government is a mere human invention for mutual advantage and security, it no longer imposes any obligation, either natural or moral, when once it ceases to have that tendency.'[2]

It is clear that Hume's fundamental principles preclude him from allowing for any obligation, in the moral sense, at all. For he belongs to that class of thinkers (B) who refuse to distinguish men's interests from their duties. He, however, allows that we give 'moral' approval to those acts whose contemplation gives us a sympathetic pleasure. And such approval we give to the acts of governments and to the obedience of citizens, so long as the government is such as, on the whole, to execute justice and otherwise promote general prosperity. So far, then, as he is inconsistent with his fundamental principle, he might claim to fall under our class (A 3), of those who ground allegiance on the two claims of effecting justice and increasing well-being. But, since his 'justice' only secures moral approval because it is, though indirectly, a means to general prosperity, he must be relegated to the utilitarian class (A 2), even if he is allowed to escape inconsistently the company of the hedonists (B). At any rate he repudiates the contractual theory (A 1). And at bottom he must allow that if we think our private interest will be served by a secret disobedience, which can serve as no dangerous

[1] Or of majorities?

[2] T. III. ii. 10.

example, we should always disobey, since immediate gratifications are stronger than the indirect sympathies of moral approval. By admitting sympathy Hume has made his denial of real obligation more specious than Hobbes could, but scarcely less complete.

VI

ROUSSEAU

THE academic notion that reasoning, to be effective, should be clear, can be dissipated by reading Rousseau. No one disputes his influence, and scarce two agree in his interpretation. He had the prophetic originality to feel, and feelingly to say, something which others have tried to think out. The abstract conception of a 'general will', hitherto dwelling disembodied in the intelligible world of philosophers, revealed itself to him as a palpable apparition, whose express form was as vivid, if as questionable, as the imagery of dreams.

Nearly thirty years before the *Contrat Social*, which was published in 1762, Warburton had written:

'When any number of men form themselves into a society, whether civil or religious, this society becomes a *body*, different from *what* the number of individuals made before the society was formed. . . . A body must have its proper personality and will, . . . neither the personality and will of one individual, nor of all together.'[1]

I do not know if Rousseau had read this, but he was acquainted with the article on *Droit Naturel* in the *Encyclopédie*.[2] Here we are told that the individual

[1] *The Alliance between Church and State* (1736), II. v. Rousseau cites Warburton, *C.S.* II. vii. Cf. Berkeley, *Passive Obed.*, § 17.

[2] Diderot, vol. v, 1755. Cf. Vaughan, *Political Writings of Rousseau*, vol. i, p. 431. It is not impossible that Rousseau

is unfit to decide what is just. The only competent tribunal is the human race, whose sole passion is for the good of all, so that the general will is always right and can never deceive. The general will can prescribe the limits of man's activity as man, citizen, father, son; it can dictate life and death. It ordains our natural rights. Our thoughts and purposes are great and good, elevated and sublime, when they are for the general good. The general will is manifested in all societies, even those of criminals and outlaws; it is an act of pure intelligence which speaks when the passions are silent; it is the rule of conduct for one member to another within a society,[1] or of an individual to his society, or of a society to another. It can be embodied in a ruler. This is pure utilitarianism, and is probably what Rousseau really believed. In the *Économie Politique*[2] he uses almost identical language, expressly identifies justice with general interest, and represents general wills, like Chinese boxes, as containing one another, the wider having always the better claim to obedience,[3] so that, for

actually wrote or collaborated in the article. He repeats several sentences from it in the Geneva MS. of the *Contrat Social* (ed. Dreyfus Brisac), ch. ii, but complains that, while defining justice, it provides no interest to be just.

[1] This is almost the only point where Rousseau differs; he thinks it cannot be concerned with an individual.

[2] 1755. His utilitarianism is tempered by a love of equality.

[3] It does not seem true that the claim of our university is always stronger than that of our college, nor that the claims, say, of an International and a state can be judged by the number of members.

instance, a senator should always prefer that of his country to the senate's, and that of the world to his country's.[1] But usually he is more concerned to justify obedience to the state, and here, deserting the *Encyclopédie* and slavishly following Hobbes and Spinoza, he justifies it on a hedonistic psychology quite inconsistent with utilitarianism, and drags in the old contract to bridge the gulf.

Rousseau's psychological hedonism was probably accepted by him from Hobbes and Spinoza without any reflection,[2] for he readily forgets it when it clashes with obvious facts or with his own liberal tendency; but that it was his creed is unquestionable, and it is responsible for much of his confusion. He holds, like Hobbes and Spinoza, that in the state of nature the first law is that of self-preservation,[3] though he differs from Hobbes, and agrees with Spinoza and Hume, in thinking that we suffer by seeing those like ourselves suffer.[4] The only motive for entering the compact was selfish interest, and the compact is only binding so long as it serves that interest.[5] If then every man

[1] In the Geneva MS., ch. ii, he denies that there is a general will of humanity.

[2] In *Discours*, I, he denounces printing for having preserved their works.

[3] *Discours*, II (1754), Pref.; *Contrat Social* (1762), I. ii.

[4] *Discours*, II, Pref. 'A man, being sympathetic will harm no conscious being, except in the legitimate case when, his own preservation being concerned, he is bound to prefer himself.' Later he criticizes Hobbes (i), also in *C.S.* I. ii.

[5] Man observes that his fellows, like himself, have no motive but the desire for happiness, *Discours*, II. ii. It is only

must always act for his own advantage, what can be meant by saying that he 'ought' to obey the law, and when is it for his advantage? 'Since each man's strength and liberty are the primary instruments of his preservation, how could he pledge them without injuring himself and neglecting his duty (!) to himself? The problem is to find a form of association which defends, with all the common force, the person and property of every member, so that though he unites himself to all, he yet obeys nobody but himself, and remains as free as before.'[1] This problem is clearly by its very terms insoluble so long as 'self' and its equivalents are unambiguous.[2] But 'such', says Rousseau,

after the establishment of the civil state that justice and morality come into being; previously self-interest was the only motive, *C.S.* I. viii. No will can consent to anything contrary to the well-being of the willer, ibid. II. i. The reason why the general will is always right and seeks the happiness of each, is that each thinks of himself in voting for all. This proves that justice is founded on selfishness and consequently on human nature, ibid. II. iv. The will of the individual is only for his own advantage, ibid. III. ii; cf. II. iv, vii; III. xvi. Rousseau's hedonism is not affected by the distinction he draws (*Discours*, II, note 15) between *l'amour de soi-même*, the natural instinct to preserve one's life and *l'amour propre* or vanity, the desire to excel others, an artificial product of civilization. The first he calls the source of virtue, the second of vice, but he opposes both to sympathy; and certainly neither is an obligation.

[1] *C.S.* I. vi.

[2] Or as Bosanquet says in the passage already quoted: 'The terms of the paradox of self-government become irreconcilable . . . so long as to every individual, taken as the true self, the restraint enforced by the impact of others is alien.' *Philosophical Theory of the State*, p. 59.

'is the fundamental problem to which the social contract supplies an answer'.

What then is the social contract? Man is born free (that is, with the right of nature, i.e. power, to preserve himself which he could only sacrifice for some greater advantage), but everywhere he is in chains (that is, he has sacrificed his right and not secured the expected advantage).[1] The advantage aimed at by the convention which instituted the social order was not, as Hobbes suggested, peace. Peace can be found in a prison, and such peace men find in the chains of government by tyrants and oligarchies.[2] The sole truly advantageous form of government is by a sovereign unanimously chosen in the original compact. And the only sovereign men would unanimously choose is the majority[3] of their whole number. If they did choose any other, the contract would not be binding, for it would not be advantageous and no man can contract away his liberty except for greater advantage. The only valid social contract is 'the complete submission of each member with all his rights to the whole community. For since all make this complete submission, the conditions are the same for all, and consequently none can have any

[1] *C.S.* I. ii, iii.

[2] Ibid. I. iv; cf. Spinoza, *Tract. Theol. Pol.* xvi, xvii; *Tract. Pol.* VI. 4; VIII. 3. Above, p. 44.

[3] *C.S.* I. v, vi; IV. ii. In II. i, he argues that the general will *cannot* bind itself to obey any particular will or wills, for this might be against its interest. In II. ii, unanimity is not necessary, but only that all votes be counted.

interest in making them hard for the others.'[1] We may agree that before a contract is sealed each party tries to represent it as at least as advantageous for others as for himself; but once struck, each may try to work it to his own profit, as Rousseau later admits. This possibility would no doubt be escaped if the sovereign people had to be unanimous in all decisions, and Rousseau gains plausibility by using language which should imply this: 'Since each only surrenders himself to *the whole* and not to any individual, and since he acquires just the same rights over every man as he yields to him over himself, all gain exactly as much as they lose and also increased power to preserve their possessions.'[2] This clearly need not be true of majority rule, but only of unanimous self-government; it is to effect the vital identification of these two notions, the first possibly tyrannous, the second clearly impracticable, and so to offer us a possible form of government always advantageous to every subject, that Rousseau adopts his famous expedient. 'Each of us puts his person and all his power under the supreme direction of the *general will*. . . . The act of association instantaneously substitutes for the particular personality of each contractor a moral and collective body . . . which by this very act receives its unity, its common self, its life and its will.'[3] In

[1] Ibid. I. vi; cf. I. v. Rousseau is quite clear that all political obligation rests on a unanimous contract to obey whatever the majority shall subsequently enact. If they enact the establishment of any sovereign except the majority, the contract is void because not advantageous. [2] Loc. cit. [3] Loc. cit.

obeying this will we shall be obeying not the mere majority, it seems, but our own will, one we have somehow substituted for our original private wills, and so we lose nothing. 'The general will is no mere fiction or abstraction (*être de raison*).'[1] Unfortunately the substitution is not complete. 'Each individual may, as a man, have a private will contrary to the general will he *has* as a citizen. His private interest may conflict with the common interest.' It is then a necessary clause of the social contract that he who refuses to obey the general will shall be 'forced to be free'.[2]

The old question then recurs: How, after all, can the general will be always 'right', always, that is to say, advantageous to each subject, and not merely to the majority who enunciate it? Why am I 'obliged', why is it my interest, to obey it? Rousseau's answer is simple: because the general will never pronounces on any question where there is a divergence of interest.

'Why is the general will always right, and why do all [*sic*] invariably will the happiness of each? . . . Because the general will, if it is to deserve the name, must be general in its object as well as in its origin, it must come from all and apply to all; it loses its natural infallibility when it is applied to any individual and determinate object; . . . then the question becomes contentious . . . particular interests as one party are opposed to the public as the other, . . . and it would be absurd to look for an expression

[1] *C.S.* I. vii. [2] Ibid. (*my italics*).

of the general will in what would only be the will of one of the parties. . . . What generalizes the will is less the number of votes than the common interest which unites them.'[1]

The general will, then, can pronounce on matters where the interests of all members seem the same, such as the increase of the total *dividendum* or the decrease of the total labour *agendum*.[2] Here it can commit only intellectual error through ignorance.[3] About the proper distribution of that *dividendum* and *agendum* it is dumb. There should, then, strictly be no *obligation* to obey the general will, but only manifest interest. If unanimity is in fact never attained, the difference between majority and minority must be a purely intellectual one; and consequently there seems to be no 'interested obligation' in the dissentients to obey what they must regard as an erroneous expression of it.

The decision of all contentious questions, all points on which the interests of individuals differ, must be declined by the general will and transferred to the 'prince' or executive. Such decisions must necessarily be disadvantageous to one of the parties; in what then

[1] Ibid. II. iv.

[2] Ibid. IV. i: 'When men join to consider themselves a single body, they have only one will in regard to their common preservation and well-being . . . there is no contradiction of interests, only common sense is needed.' So the *general* will is *common* sense. Cf. *Émile V* (1762) and *Économie Politique*.

[3] *C.S.* II. vi. Yet he seems to think it impossible for the sovereign to lay on the subjects any constraint not in fact for the public good.

consists his obligation to obey? Apparently in the fact that the general will, which is his own will acting in his interest, appointed the executive. But how could the general will appoint individuals—a particular decision affecting them in one way and those not elected in another? Rousseau's answer is characteristic. The sovereign people, by a legitimate exercise of its general will upon a general question, decrees that there shall be a government; in order to decide the particular question who shall form that government, it then resolves itself into an executive, or prince, 'of the whole house' and the trick is done.[1]

Such seems to be the most consistent doctrine that can be extracted from Rousseau. It amounts to this: that if men are to unite into a community they must all be interested in some state of affairs being produced or maintained. The interests which they all severally have in this state of affairs—say the condition of greens, fairway, and house in a golf club—are their general will, and the general will is always directed, though sometimes mistakenly, to the advantage of every single member. They may differ intellectually as to what this advantage consists in, but they have promised to obey the majority, because it was their interest to do so, and it is their interest to keep this promise, and, if they do not, to be forced to do so. No question of justice has yet arisen. As soon as any difference of interest occurs, and therefore any possibility of justice, the general will retires

[1] *C.S.* III. xvii.

behind an executive officer—*non nostrum inter vos tantas componere lites*. In general, the selfishness of each turns, as in the *laissez-faire* school of economics, to the happiness of all. Such a view is the most easy to extract from Rousseau, and it is sufficiently like Hobbes and Spinoza and Hume to be credibly his. But he says also things quite inconsistent with it. For instance, on the one hand he says that the general will results from the cancellation of the differences, and the *differences of interest*, of individual wills,[1] though his general doctrine is that where interests differ no general will emerges. On the other hand, he also says that the general will only emerges when each votes not for what he approves, but for what he thinks the general will is, and that the minority are thereby always proved to be wrong.[2] Taking this strictly, and even assuming that all the voters acted on this principle, it would follow that the majority is infallible, a view both absurd and frequently denied by Rousseau. The passage is significant as indicating what was almost certainly the main idea in Rousseau's mind when he spoke of the 'general will'. I have no doubt that he meant the course of action, whether anybody knows

[1] Ibid. II. iii. I can only see how this might be so if the question propounded were not Yes or no? but How much? or Where? or When? A tabulation of all the different answers given by each in his own interest might produce a reasonably felicific result. If Rousseau meant that the number voting selfishly for a measure and the number voting selfishly against are always or generally so near that the few who vote unselfishly will carry the day, there is no reason to believe him.

[2] Ibid. IV. ii.

it or wills it or not,[1] which would lead to the greatest amount of happiness (possibly combined with justice[2]) in the community. The will to act in this way would be for him a good or ideal will, not far removed from Kant's obscure formula that we ought

[1] *Écon. Pol.*

[2] In a single passage (*Écon. Pol.*) he says emphatically that the general will cannot sacrifice a single citizen to the common welfare. He does not only mean that where such a clash of interest occurs, the general will cannot emerge. It is this eloquent period which best justifies us in appealing from Rousseau arguing to Rousseau inspired, from the publicist to the prophet: 'Is the safety of a single citizen less a common concern than that of the whole state? If it is said to be expedient that one man should die for the people rather than the whole nation perish, I can reverence the saying on the noble lips of a patriot who conscientiously devotes himself to death for his country's safety. But if the meaning is that a government may sacrifice the innocent to the safety of the crowd, I take it to be the most detestable maxim ever invented by tyranny: the most false pretext and the most fatal admission, directly contrary to the fundamental laws of society. So far is it from right for one to be destroyed for all, that all have pledged their lives and properties to the defence of each, that private weakness may ever be protected by public might and every one by all. Suppose that the partisans of this doctrine have "liquidated" one individual after another: press them to explain what they mean by "the corporate state" and in the end they will be found to reduce it to a few men who are only the people's officials and who, being bound by the strictest oaths to perish in its service, claim that therefore it must perish for them.' With the remark of Caiaphas (St. John xi. 50) compare Brunetière, *Après le procès* (Dreyfus Affair): 'Un vrai innocent aurait hésité à pousser son droit à l'extrême, se demandant peut-être si le repos de tous ne mérite pas d'être préféré au droit de chacun.' And cf. C. Maurras, Pref. to Dutrait-Crozon: *Jos. Reinach, Historien*: 'Whatever disturbs

to act so as to promote all the ends of all rational beings, 'abstracting from the difference of persons and the nature of their private ends'.[1] Where absolutely no private interests are at stake men *would* vote for the public advantage. But the obligation to obey an ideal will requires no contractual basis. It is the will of God.

The inextricable tangle of obscurity, confusion, contradiction and absurdity which we have discovered in Rousseau arises mainly from his attempt to found this utilitarian doctrine, much as John Stuart Mill did, on a basis of psychological hedonism; from his belief that by some mysterious conjuring-trick it is possible to discover by voting what this ideal course of action is; and from his introduction of the contract. The contract is plainly unnecessary or ineffective, since he has told us that the general will of mankind, with whom we can hardly be supposed to have contracted, should always be followed in preference to that of the state.[2] It is obviously impossible to secure a Proteus like Rousseau in the meshes of our classification. As a psychological hedonist, as a utilitarian, as a contractualist, he falls into at least three divisions. What seems clear is that he is in the line of descent which joins Hobbes and Spinoza to Hegel, Green, and Bosanquet.

Curiously enough Rousseau believes that he is

public order is injustice, so that true justice is to respect public order. Nobody may take upon himself to redress a judicial error, even if proved.' (Quoted by Soltau, *French Political Thought in XIXth Century* on the *Affaire Dreyfus*.)

[1] *Grundlegung.* [2] *Écon. Pol.*

refuting Hobbes; yet the bodies of their works resemble, though the voices are very different. The main contrast is that, while Rousseau thought it essential to men's interest that the sovereign should be the whole body of citizens (not inhabitants), or rather a majority of their votes, Hobbes contemplates this as a very undesirable possibility. Both are anxious to make out that obedience to the state is in the individual's true interest. Hobbes, with a cynical desire to deny all disinterested motives, puts this interested motive in the foreground and, finding it does not quite always work, covertly insinuates an unacknowledged duty—that men keep their covenants made. Rousseau, on the other hand, a psychological hedonist of the altruistic or inconsistent type, like Mill, puts into the limelight the generous motive of a desire for the general advantage, keeping in reserve, for fellow hedonists who are not dazzled by it, an unacknowledged assumption that the general advantage, though not all you would privately like, is all you can safely get. They are interested in different questions. Hobbes asks: 'How can I justify to myself obedience to the powers that be?' and answers: 'Because it is the only way to my peace and security.' Rousseau asks: 'What kind of government will best provide for the individual's welfare and therefore have a claim on his obedience?' and answers: 'One where the whole body of citizens keep the legislative powers in their own hands[1] and delegate the executive.' They

[1] i.e. the hands of the majority.

agree that allegiance must be based on self-interest, and that the link between the two is the 'conventional' Leviathan or *Volonté Générale*. Both agree, as does Hume, that men were always right when they made the original contract of obedience, and are always wrong when subsequently they think that in some exceptional situation it is no longer their interest to keep it; so that, if they are coerced, this is in their true interests, and only carries out what in a cool hour they had 'willed'. 'The sway of mere appetite is slavery, obedience to the law one has laid down for oneself is liberty.'[1] In fact Rousseau never attempts to prove the paradox that it is always for my private advantage to obey the general will; and of course any such attempt must have failed. He spends his energy on establishing a different point, that the general will always leads to the 'common good'. Even this, if he succeeded, would be important enough. For if we forgot his dogma that we can will nothing but our own good, and believed that we ought only and always to will the common good, even when opposed to our own, then, if Rousseau could show us some infallible way of discerning it (namely by consulting the general will), he would have succeeded, where all moral philosophers and casuists have failed, in saving us henceforth the trouble of deliberating what we ought to do. Unfortunately, he only establishes the

[1] *C.S.* I. viii. Yet 'if a whole *people* wishes to harm itself, who has the right to prevent it?' II. xii; cf. Kant, *Grundlegung*, III.

connexion of the general will and the common good by his question-begging definition of the former. Nor does he tell us how to find the general will. It is not always represented by the will of all,[1] nor, *a fortiori*, by a majority. It may be revealed to one divine lawgiver or to none. And if we could find it, it would be of little use, since it only speaks when interests do not differ. It tells no lies because it can be asked no questions. It is non-moral.

Rousseau's fundamental fault, shared with many political philosophers, is to identify political obligation with enlightened self-interest. Though, as we shall see, he had an unquestionably great effect upon Kant,[2] the direct development of his line of thought about political obligation is to be found rather in Hegel. Yet Hegel's way of developing it was profoundly influenced by elements in Kant which were original, or at least not derived from Rousseau. It will be convenient, then, to adhere to the chronological order so far as to treat of Kant between Rousseau and Hegel; yet since in so doing we are not following a single stream, but rather remarking a tributary influence, we may diverge for a moment to trace that tributary's channel upwards. And if we ask which of his predecessors influenced, or at least resembled, Kant in those points of political theory where he

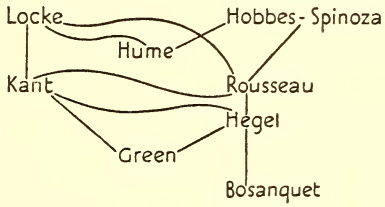
[1] *C.S.* II. iii.

[2] 'At one time I thought that (learning) could be the glory of humanity and despised the ignorant vulgar; Rousseau put me right. This dazzling vanity is dissipated. I have learned to honour men.' Kant, *Nachlass*.

differed from Rousseau, we shall probably find that it was Locke.

To the question with which I am concerned—What is political obligation?—I believe that Hobbes, Spinoza, Rousseau, Hegel, and Bosanquet give answers of fundamentally the same kind, Locke and Kant of a fundamentally other kind. But Rousseau influenced Kant, and Kant Hegel. Hume is an offshoot from the Hobbes-Spinoza theory, and T. H. Green was perhaps equally influenced by Kant and Hegel.[1]

[1] The main relationship, for my interest, may be symbolized by straight lines, the modifying influence by curves. For other interests the relationship would of course be quite different.



VII

LOCKE

THE essential difference between Locke and the political theorists we have been considering is that he believes in what he calls Laws of Nature or of Reason not dependent upon convention or upon states and governments. They are, in fact, mutual obligations really binding upon men, recognized by them as binding, and able to influence their behaviour. In the *Essay of Civil Government*[1] Locke defines political power as 'a right of making laws with penalties . . . for the regulating and preserving of property, and of employing the force of the community, in the execution of such laws, and in defence of the commonwealth from foreign injury; and *all this only for the public good*'.[2] Men are naturally in 'a state of perfect freedom to order their actions and dispose of their possessions and persons, as they think fit, *within the bounds of the law of nature*'. This is a state of equality.[3] The law of nature

'obliges every one; and *reason*, which is that law, teaches that . . . man has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it. . . . All being equal, . . . no one ought to harm another in his life, health, liberty or possessions. . . . Every one, as he is bound to

[1] *Second Essay of Government* (1690).
[2] I, § 3 (*my italics*). Cf. IX, § 131.
[3] II, § 4.

preserve himself, . . . so by the like reason, when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind, and may not, unless it be to do justice to an offender, take away or impair the life, the liberty, health, limb, or goods of another.'[1]

'In transgressing the law of nature, the offender declares himself to live by another rule than that of reason and common equity, . . . and every man, by the right he hath to preserve mankind in general, . . . hath a right to punish the offender.'[2]

Wherefore we punish aliens. Laws 'are only so far right, as they are founded on the law of nature, by which they are to be regulated and interpreted'.[3] Truth and keeping of faith belong to men as men, and not as members of society.[4] This state of nature, contrary to Hobbes, is the exact opposite of a state of war.[5]

'Force without right, upon a man's person, makes a state of war, both where there is, and is not a common judge, . . . because the aggressor allows not time to appeal.[6] . . . Nay, where an appeal to the law, and constituted judges, lies open, but the remedy is denied by a manifest perverting of justice, and a barefaced wresting of the laws to protect or indemnify the violence or injuries of some man, or party of men; there it is hard to imagine anything but a state of war: for wherever

[1] II, § 6. [2] II, § 8. [3] II, § 12.

[4] II, § 14. I do not think Locke is committed to denying that society favours the development of our capacity to recognize obligations or laws of reason.

[5] III, § 19. [6] III, §§ 19, 20.

violence is used, and injury done, though by hands appointed to administer justice, it is still violence and injury, however coloured with the name, pretences, or forms of law, the end whereof being to protect and redress the innocent, by an unbiassed application of it to all who are under it; wherever that is not bona fide done, war is made upon the sufferers, who having no appeal on earth to right them, they are left to the only remedy in such cases, an appeal to heaven.'

Men's motive, then, in forming themselves into a society was to avoid the possibility of a state of war; 'to protect and redress the innocent'. For the great inconvenience of the state of nature was that men were judges in their own case, as absolute monarchs are in society,[1] and that there was no impartial power to enforce promulgated law.[2]

'The natural liberty of man is to be free from any superior power; . . . the liberty of man, in society, is to be under no other legislative power, but that established by consent, in the commonwealth.'[3]

'Natural reason tells us that men, being once born, have a right to their preservation, and consequently to meat and drink, and such other things as nature affords for their subsistence.'

The fruits of the earth and the beasts it feeds belong to mankind in common, but 'there must of necessity be a means to appropriate them some way or other, before they can be of any use, or at all beneficial to any particular man'.[4]

'Though the earth, and all inferiour creatures be com-

[1] II, § 13. [2] IX, §§ 124–6. [3] IV, § 22. [4] V, §§ 25–6.

mon to all men, yet every man has a property in his own person: this nobody has any right to but himself. The labour of his body, and the works of his hands, are properly his. Whatsoever then he removes out of the state that nature hath provided and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property, . . . at least where there is enough, and as good, left in common for others.'[1]

'As much as any one can make use of to any advantage of life before it spoils, so much he may by labour fix a property in: whatever is beyond this, is more than his share and belongs to others.'[2]

'Every man has a right *before any other man* to inherit with his brethren his father's goods.'[3]

Civil society, then, neither first creates nor at all diminishes man's natural liberty, that is, his rights to his body, subsistence, and labour. Laws are justifiable so far as they ensure every man the enjoyment of these rights by restraining every man from invading those of his neighbours. All that man resigns to the political community, when he enters it, is his other natural right of judging and punishing the infringement of these rights to the best of his power.[4] And therewith 'he has given a right to the commonwealth to employ his force, for the execution of the judgements of the commonwealth'.[5]

From all this it follows that the rule of an absolute

[1] V, § 27. [2] V, § 31.
[3] XVI, § 190 (*my italics*). Cf. *First Essay of Government*, IX, § 88. [4] VII, § 87. [5] VII, § 88.

monarch or of any arbitrary power from which there is no appeal to the impartial administration of promulgated law, is no civil government. To suppose the rulers freed from the restraint of law

'is to think, that men are so foolish that they take care to avoid what mischiefs may be done them by pole-cats, or foxes; but are content, nay think it safety, to be devoured by lions. But whatever flatterers may talk to amuse people's understandings, it hinders not men from feeling: and when they perceive, that any man, in what station soever, is out of the bounds of the civil society which they are of, and that they have no appeal on earth against any harm they may receive from him, they are apt to think themselves in the state of nature, in respect of him whom they find to be so: and to take care, as soon as they can, to have that safety and security in civil society, for which it was instituted, and for which only they entered into it.'[1]

It is, then, only to the whole community or *in practice to the majority*,[2] that men have resigned this right of judgement and executive. What they had not they could not resign, and they had no arbitrary right to act against the laws of nature and reason.[3] The legislature consequently has not arbitrary power, rather it acts *pursuant to a trust*,[4] which is violated by all that does the people harm.[5] If it be asked who is to judge whether this fiduciary power is justly employed, we may ask in reply: 'Who shall be judge whether his

[1] VII, §§ 93–4. [2] VIII, § 96. [3] XI, § 135.
[4] XI, § 134 (*my italics*); cf. XIII, § 149, 'a fiduciary power to act for certain ends'. [5] XIV, § 166.

trustee or deputy acts well and according to the trust reposed in him, but he who deputes him, and must by having deputed him, have still a power to discard him when he fails in his trust?'[1] The government may then be dissolved for breach of trust, but the dissolution of government must be distinguished from the dissolution of the society,[2] and even the dissolution of a society does not reduce its members to a state of war, but only to the state of nature in which they are still obliged by the laws of reason.

Such in the main is Locke's account of political obligation, by no means without ambiguities or confusions and even manifest errors of historic fact and of detail, yet fundamentally, I think, sound, as opposed to all those we have been considering. No doubt it is cramped by the necessity for justifying a glorious revolution of Whig landowners, as Hobbes was by his need to legitimize whatever king might reign. But even its reverence for property is reasoned and, in its time, when labour was not highly socialized, very reasonable. The possibility of a consistent account of allegiance is secured by founding it on our obligations to our neighbour instead of them on it and it on self-interest. Against that merit its failings weigh light.

These weaknesses are mainly connected with the contract, which is almost as superfluous to Locke as it was to Hobbes. For Hobbes, as we have seen, it was merely a smoke-screen, which succeeded in blinding Rousseau to the difference between the wills of the

[1] XIX, § 240. [2] XIX, § 211.

majority and my own will. For Locke it is an assumption which, if or when it was true, would reinforce an obligation, already recognized, to support any *de facto* government so long as it effects justice and well-being, but no longer. And it will probably not be questioned that the king who has taken an oath to the constitution and the soldier or civil servant who is in its pay are under stricter responsibilites of loyalty than ordinary citizens.[1] In attempting to show that a contract perhaps made by our remote forefathers is certainly binding upon us, Locke is driven to the usual arguments. He allows that men are not in fact bound by their fathers' compacts, but by accepting their fathers' land, if there be any, when they come of age, they put themselves under the government of the community.[2] This would make landless men outlaws; so Locke continues that tacit contract is involved in accepting lodging for a week or in travelling on the highway.[3] But those who have only thus tacitly contracted are at liberty to quit their possessions or the highway and therewith their allegiance. This is not convincing.

A second weakness is in the argument that majority rule is somehow specially consonant with the law of reason, and not merely a practical expedient. Certainly Locke did not escape the utilitarianism of his

[1] Cf. Hume, *Treatise*, III. ii. 8.

[2] *Civil Government*, VIII, § 117.

[3] §§ 119–21. We ought then to be under equal obligation to the government of every land where we travel, but cf. XIX, § 243.

age, which, for all his superior conception of justice as a law of reason, inclined him to assume that the satisfaction of the greater number would always be just.

But, in spite of these inconclusions, Locke undoubtedly distinguishes men's duties from their interests, and justice from the production of the most happiness. He is one of those who think we ought to obey a government so long as it on the whole secures justice and happiness.[1] We have somehow contracted to obey it on those terms, but we ought to obey it even if we had not. With all Locke's faults, making some allowance for his time, his account of political obligations seems to me the best.[2]

[1] A (3) of our classification.

[2] It is true that Locke was tarred with the same brush of psychological hedonism as Rousseau (cf. *Essay on the Human Understanding*, I. iii, § 12), but in his political theory he forgets this and is unaffected by it, whereas Rousseau's is distorted by it. Cf. II. xxviii, § 5, 'Good and evil are nothing but pleasure or pain.'

VIII

KANT

In Hobbes, Spinoza, Hume, Rousseau, we found the fundamental dogma that man can only act from desire, either a desire for some particular satisfaction or the deliberate desire for satisfaction upon the whole. Consequently, if a man obeys the state when its commands, as usual, do not lead to his immediate gratification, that must be because he thinks that by so doing he will get most satisfaction in the end. And if these writers say he 'ought' to obey it, they must imply that really, though in moments of excitement he may not see it, he will get most satisfaction in that way. So, if every man gets most satisfaction by obeying the state, there is a certain plausibility in their saying that to obey the laws of the state, which all would obey if they were wise, is the 'true will' of them all, as they might say obedience to the laws of health is. Hobbes said this must always be so, however unjust and rapacious the sovereign. Hume said it was so when the sovereignty was exercised for the general benefit of the subjects. Rousseau agreed in this and thought sovereignty always was exercised for the subjects' benefit by a majority who appointed the executive. Spinoza may have thought that the advantage, consisting in unison and unity, which all men seek so far as they are rational, is what the one thought wills of which they are all

modes, and that a degree of unity is secured by all strong states.

Kant believed that his own moral theory was the first which was not essentially hedonistic.[1] Certainly, in contrast with these writers, he held that we can do an act 'out of reverence for the moral law', that is, because we think it our duty. It was therefore not necessary for him, as it was for them, to show that in obeying the state we are either gaining or seeking our own advantage, and he had therefore no need to postulate the thought of a common good, or a general will directed to it, which might account for actions not prima facie selfish. Nor, I think, does Kant intentionally develop this line of thought. He founds the duty of obedience upon our duty to other men and upon their rights to liberty, the protection of which is the justification of the state. But by a curious fate he made current, for another purpose, a distinction without which the theory of the general will could perhaps not have been carried further than it was by Rousseau, though in a different form it might possibly have been developed from Spinoza.

Kant distinguished the noumenal reality, or thing-in-itself, which transcends sense experience and scientific understanding, from the phenomena, or world of appearances, which we experience and understand; and he applied this distinction to the self, and especially to the self as willing. His first intention here seems to

[1] *Grundlegung zur Metaphysik der Sitten* (*Foundation for the Metaphysic of Morals*), II (1785).

have been to show how, contrary to appearances and to the law of universal causation as understood in science, our actions might be free in the ordinary sense, that is, might result from an undetermined choice between following our desires and doing our duty. What he in fact concludes is that phenomenally, as they appear to the observer or scientific theorist, our actions are all determined by sensuous desires; but that in reality they are all determined by reason or the moral law, and therefore are 'free' in the sense of being determined, though not in time, by what is most truly ourselves, by the laws which we rationally impose upon ourselves.[1]

Kant's idealist successors tended to drop what I should consider his most important truth that, as rational beings, we can do an act simply because it seems our duty, and to revert to the view that, so far as we are reasonable, we only act in the way that we think will most satisfy us. But they availed themselves of his distinction between the noumenal and phe-

[1] *Grundlegung*, III. Having described obligation as a law, it is easy for Kant to slip into describing it as a necessity; he passes from the sense of command, which, like obligation, need not be carried out, to the sense of natural law, which must. This is facilitated by an ambiguity in the word *bestimmt*. Kant passes from the thought that my capacity to choose is 'determined' (i.e. actualized), whenever I do choose between desire and obligation, to the thought that it is causally 'determined' sometimes (or from one point of view) by the one and sometimes (or from another point of view) by the other. Cf. *Critique of Practical Reason*, I, §§ 5, 6; *Critique of Pure Reason*, 2nd ed. (1787); *Dialectic*, II, II. ix. 3; and *Prolegomena* (1783), § 53.

nomenal self, so that they were able to speak of a real self or will as opposed to the empirical self or will. And, since to this noumenal reality the categories of unity and plurality do not apply, the real will of me and the real will of you are as much one as two.[1] Indeed, it is argued that since moral wills are 'rational' wills, and therefore cannot conflict with one another as your desires may conflict with mine, they should properly be identified. And there is a strain of Kant's own thought which leads in this direction, for he speaks of noumenal reality as 'unconditioned', but since any element in a plurality, it may be argued, is conditioned by other elements, the unconditioned must be the whole. Hence we get the puzzling conclusion that the whole is real but its parts are appearances only; in which it is only true that if we take a part to be the whole, or what is conditioned by other things to be unconditioned, we have made a mistake. So the 'Real Will' is held by post-Kantian idealists to be free because it necessarily seeks and finds its satisfaction by 'reasonable' action, that is, action directed to and achieving the 'common good' of the Whole.

It was left for Hegel deliberately to identify our noumenal will, which is always reasonable, with 'the State', and for some of his followers, not without excuse in his less cautious propaganda, to identify it

[1] Hegel defines *Gesetz* as 'Der abstrakte Ausdruck des allgemeinen, an und für sich seienden Willens'. *Propädeutik*, § 26. He adds that the individual need not be conscious of this will.

with the phenomenal acts or wills of particular states, leaving all *our* particular acts, whether of obedience or disobedience, to be motived by irrational impulse or short-sighted selfishness. Kant himself thinks that in politics practical reason is directed not to the greatest happiness of the greatest number of citizens, but to the maintenance of liberty or justice, which he identifies.[1]

In *The Natural Principle of the Political Order considered in connection with the Idea of a Universal History from the Cosmopolitan Point of View*,[2] the fifth Proposition is that 'The greatest practical problem for the human race, to the solution of which it is compelled by nature, is the attainment of a civil society, universally enforcing justice',[3] and in the seventh Proposition he points out that this problem can never be solved till we have solved that of regulating the external relations between states by law. In his essay on *Theory and Practice*[4] Kant says that the establishment of a civil constitution differs in principle from

[1] *Metaphysik der Sitten*, I. *Metaphysische Anfangsgründe der Rechtslehre*, 1797, Cassirer, VII, trans. Hastie. Einleitung B, and §§ 6, 43; and see references below.

[2] 1784, Cassirer, IV, trans. Hastie, *Kant's Principles of Politics*.

[3] The same problem is stated, in a form nearer Rousseau's (as one of merely reconciling divergent interests, even if 'men were devils'), in the *Perpetual Peace* (*Zum ewigen Frieden*) (1796, Cassirer, VI). Cf. *Rechtslehre*, § 47.

[4] *Ueber den Gemeinspruch: Das mag in der Theorie richtig sein.* II. *Verhältnis der Theorie zur Praxis im Staatsrecht* (1793, Cassirer, VI, trans. Hastie, op. cit.).

all other compacts by which men unite themselves. All other societies—and I suppose he would include churches and marriages—are for the sake of achieving some end which we may or may not desire. The setting up of such societies, then, might be called, in his language, hypothetically imperative. But the constituting of a commonwealth is an end in itself that every man ought to try to achieve; it is a duty, categorically imperative. For by establishing such a commonwealth we intend to satisfy the rights of man, under compulsive laws, which assign to each what is his own and secure it against violation. But this conception of human rights is not essentially connected with the happiness which all men desire, but only with their freedom.[1] For men differ as to the constituents of happiness, so that their wills could not be brought under any common principle or under any external laws which should be compatible with the liberty of all. Civil or legal justice (*Recht*) is the limitation of the freedom of every individual so that it shall harmonize with the freedom of others, so far as this is possible by general laws. The civil state, then, is a relation of free men under coercive law. And that is a state of

[1] It is hard to harmonize with this Kant's principle that we ought to seek the happiness of all rational beings; but much else, perhaps most, in Kant's ethics is hard to harmonize with that. Possibly the condition that we ought only to seek it 'with abstraction from the difference of persons and of their private ends', if we knew what it meant, might be intended to effect the harmony. *Grundlegung*, II. Or possibly this duty is for some reason not 'a political duty'. Cf. *Metaphysik der Sitten*, Einleitung, III.

affairs which, in Kant's curious language, *reason* itself *wills*—'that pure reason, legislative *a priori*, which takes no account of those ends derived *from experience* that are comprised under the name of happiness'. I should prefer to say that we recognize a claim upon us to try to effect and to maintain such a civil state, whether or no it will lead to our own happiness, and not solely because it conduces to the greatest possible amount of happiness on the whole, but because it is just. That it is also usually felicific may add an additional claim, as would the deserving poverty of a creditor.

The civil state, then, *regarded merely as regulated by laws of justice*, is founded on the following principles, which it does not enact, but presupposes:[1]

(*a*) The Liberty of every member of the society, as a man, to seek happiness in his own way.
(*b*) The Equality of every member before the law and the absence of hereditary privileges.
(*c*) The Independence of every member as a citizen, sharing in sovereignty.

Kant is here perfectly clear that (1) neither our duty to obey the state, nor, (2) as he thinks, the state's very existence, can depend upon our self-interest or even upon our sympathy. A sense of 'justice' or at least some sense of obligation, however limited in range, is presupposed in the possibility of any society, even

[1] Cf. Locke's Law of Nature. Cf. *Perpetual Peace*, App. I, and *Rechtslehre*. § 43.

criminal society.[1] The contention that men's wills can be brought under a common principle only when directed to justice and not to happiness seems to mean what Rousseau meant by *one* of his senses of the term 'general will', namely wills that have a general or common object. So far as men follow their desires they must constantly come into collision. Kant thought, rightly or wrongly, that, so far as they do their duties, or behave justly, they can never conflict, for all will be acting upon universal laws. At any rate, if they do their duties, each will be doing what any other ought to do in his place, and neither, if he recognizes this, can blame the other's actions. And, as Kant frequently does not distinguish between what men ought to do and what they or others may think they ought, he is able to say that so far as men do their duties, or what they believe to be their duties, they always co-operate and also always approve (or as he unfortunately says 'will') one another's actions. It might be argued that if Kant had not ruled out any duty, at least any 'political' duty, of promoting happiness, this would be a Kingdom of Ends,[2] in which each 'wills' (i.e. assents to) what all the others will and that such an agreement might be called a general will.[3]

[1] Cf. Plato, *Republic*, i. 351. The above is summarized from *Theory and Practice*. The second point, that states could hardly have arisen from merely selfish motives, is disputable; but it is irrelevant to the first point, that our obligation to obedience is distinct from self-interest and from desire for general well-being.

[2] *Grundlegung*, II.

[3] It is true that if all men did what they ignorantly believed

But though he speaks of willing another man's actions, I believe Kant thought all willing is that of individuals.

Kant certainly expresses his thought in language very like Rousseau's when he argues that the only competent legislative will is 'the will of the whole people', since 'when all determine about all, each determines about himself'.[1] This clearly demands unanimity, but he goes on to say that, if they have unanimously agreed to be governed by the majority, this merges all their wills into one common and public (*gemeinschaftliche und öffentliche*) will.[2] He agrees that it would be historically absurd to suppose that any such compact ever took place, but says that both legislators and subjects ought to behave just *as if it had* (which would seem to make it a quite useless fiction),[3] for only those laws are morally binding to which the whole people can be supposed, without contradiction,[4] to have assented. He says it is simply

they ought, and each knew the others were doing so, there could be no blame, but there might be conflict. I am not certain there could be no conflict even if all men had full knowledge and did what they then knew they ought. As there may be conflicting claims on me (e.g. two promises, both of which I cannot keep), so you and I might have obligations or at least responsibilities (e.g. arising from each having promised to go to a place whither there was only conveyance for one) that might lead us to some degree of conflict.

[1] *Theory and Practice*, II. 3. Cf. *Rechtslehre*, 46.

[2] *Theory and Practice*, II, Corollary.

[3] *Theory and Practice*. Cf. *Rechtslehre*, 47.

[4] *Theory and Practice*, II, Corollary. Cf. *Perpetual Peace*. 'Freedom consists in not obeying any laws to which I could not have given assent.'

impossible that the whole people should have assented to a law conferring hereditary rank and privilege by mere birth, or imposing burdens on certain individuals while excepting others of exactly the same status,[1] whereas, however much a people may dislike a war with proportional taxes, it is not inconceivable that they might have consented to it. Thus, whereas Rousseau thought the general will, being selfish, could not apply where there were divergent interests, Kant thinks that, being just, it can, but that unjust legislation must not be ascribed to it.[2] Evidently, then, Kant thought no subject is justified in disobeying laws on the ground that they are disadvantageous to him or even pernicious to the whole community, so long as it is conceivable that all the citizens might have voted for them.[3] But supposing the 'Supreme Power

[1] He underrates the power of superstition and custom. He sees no difficulty in supposing that women had consented to their inferior status or the poor to inheritance of wealth, yet sex is entirely, and inheritance largely, an accident of birth (*Theory and Practice*, II). I do not know that all Hindus might not be conceived of as at one time assenting to Brahmin superiority.

[2] Later in the *Theory and Practice* (II, Corollary) Kant formulates this principle very differently. He says that what a people had *no right* to ordain over itself (he means over its descendants), such as a permanent unreformable church, *is not to be regarded as the real will* of the ruler, whatever he enacts. Yet even here he concludes that resistance is not to be offered in word or deed.

[3] *Theory and Practice*, II, Corollary. Cf. Socrates' contention (in the *Crito*) that he must not disobey a law which wrongs him, but (*Apology*, 32) only one which bids him act wrongly.

or the Sovereign as its agent were to violate the original contract' (that only such laws should be imposed as the whole people might conceivably have consented to) 'and thereby in the judgement of the subject were to lose the right of legislation, yet, as the government has been empowered to act even thus tyrannically, no right of resistance can be allowed to the subjects' (such as was claimed by the revolutions establishing the constitutions of Switzerland, the United Netherlands, and Great Britain). To insert in the constitution a clause allowing resistance to the sovereign, even in case of his illegal oppression, would, Kant holds, be self-contradictory, and there can be no right which we cannot publicly but only tacitly reserve.[1]

We are as much shocked by the doctrine that under no circumstances whatever might we resist the powers that be as by Kant's other doctrines that in no circumstances whatever may we say what is not true or put an end to our lives. Nor is the reason for our dissent what Kant thinks it. He says it is caused (1) partly by the common illusion which substitutes the principle of happiness for the principle of right as the criterion of judgement, and (2) partly by our supposing the original contract to be not 'an idea of reason' but an historical event, and then assuming that it

[1] *Theory and Practice*, II, Corollary. In the *Perpetual Peace* Kant reaches the same conclusion of passive obedience simply from the axiom that 'All actions affecting other men's rights are wrong if their maxims are not consistent with publicity'.

reserved the right of resistance.[1] But, in fact, (1) it is just when innocent individuals are unjustly sacrificed to the happiness of the community that we claim the right of resistance most strongly; and (2) the very same reasons which would lead those who think there *must have been* a contract to suppose it conditional might lead those who think *we ought to act as if there were a contract* to act as if there were a conditional contract. Kant is not very happy himself about this doctrine of implicit obedience, in which he outdoes Hobbes. He seems almost ready to make one exception and to allow subjects an inalienable right of free speech and criticism,[2] since its denial is either a claim of infallibility and omniscience or a self-contradiction. Yet he concludes that no resistance is to be offered to legislative ordinances either in word or deed. It appears, then, that men have inalienable rights which they have no right to enforce.[3]

On the whole Kant seems to be confused and anxious to combine incompatibles. He was certainly influenced by Hobbes, Hume, and Rousseau, probably by Locke. His assumption of an admittedly fictitious but unquestionably unconditional contract

[1] *Theory and Practice*, II, Corollary.

[2] Cf. Lindsay, *The Essentials of Democracy*.

[3] *Theory and Practice*, II, Corollary. This is also Berkeley's view (*Passive Obedience*), but he founds it on the law of nature, laid down by God for the good of mankind, which we have a prudent motive to obey. Probably Kant means that we have a right to speak freely, but no right to resist when punished.

which the legislative power (though no party to it) can break, and may break with impunity, though it ought not, while the subjects are bound by it to implicit obedience, is futile. His dogma that there can be no political duty to promote well-being, on the rather simple ground that we cannot be quite sure of success, is at least dubious; we cannot be any more sure of securing people's rights. Nor is his idea of a 'general and public will' lucid. He identifies it with the rational or good will, legislative *a priori* and therefore capable of being 'brought under a single principle' of non-contradiction. Yet he cannot himself consciously mean to identify it with the noumenal will that appears as our phenomenal acts of will, for it is something only brought into being when men form a civil society; but he distinctly holds that the recognition of obligation (or, as he would say, the legislation of the will *a priori*) is a condition of political societies,[1] not a product of them.

It is to this last statement that we must return. It is the outstanding and fundamental merit of Kant's political philosophy, and not to be obscured by all the confusions we have noted. More unambiguously

[1] In the *Met. d. Sitten*, Einleitung, IV, Kant distinguishes *Wille* (as legislative, not active, and therefore neither free nor unfree) from *Willkür* (as choosing or acting) which noumenally is free as being determined by *Wille*, phenomenally unfree as determined by desires. *Willkür* is not free as undetermined choice; such freedom is only phenomenal. All this seems to be an afterthought to the *Grundlegung* and no better. In § 49 E we are told the noumenal self legislates, the phenomenal obeys or suffers.

than any previous writer, even Locke, he maintains that political obligation is obligation. His main contentions seem true. Men ought to form civil societies, and they ought to form them in certain ways—depending more than Kant would probably allow upon circumstances. Men ought often to obey laws: though not so unconditionally as Kant supposed. Legislators ought to impose certain kinds of laws and not others: though the two kinds are not to be distinguished precisely in the way or with the absoluteness he thought. All these, as he asserts, are duties, not merely refined prudence, sometimes not prudent at all;[1] the recognition of obligations is presupposed in civil societies with their legal rights and does not presuppose them; any man with whom we come into relation may have rights against us and we duties to him.[2] Thrasymachus and Hobbes are thus at last contradicted instead of being edited for the use of Whigs.

I conclude, then, that Kant's political theory contains no mystical or metaphysical doctrines of a general will identifiable with a state, any more than Locke's did. I should summarize his doctrine as follows. The practical reason (*Wille*) of each man recognizes that he ought to behave justly to all, that is, in a way in which any other, similarly situated,

[1] In *Rechtslehre*, § 43, he speaks of men's *interest* to form a commonwealth, but this is apparently the 'intellectual interest' founded on reason, i.e. reverence for the moral law.

[2] Kant even under-emphasizes the complementary truth that only in some sort of society could the recognition of obligations develop.

ought to act and recognizes that he ought to act. So those who obey this reason approve one another's actions and co-operate. They 'treat one another as ends' and live in a 'Kingdom of Ends'. But so far as some disobey their practical reason and act unjustly to others, our practical reason bids us to constrain them. This infringement of liberty is justified, because either they recognize the obligation to justice and know they are doing wrong, and therefore approve, while disliking, the constraint, or they do not recognize it; and on neither alternative have they any right to be 'treated as ends'. If they do recognize it, their reason (*Wille*) consents to the compulsion, though their choice or will (*Willkür*) would not. But if compulsion is to be effectively carried out, there must be legislative and executive machinery. So long as this is exercised in the interest of justice, Kant calls it a common (*gemein*), public (*öffentlich*), or general (*allgemein*) will. And this I ought never to disobey, or at least never forcibly to resist, so long as it *is* a public will, or, in his own words, so long as without contradiction I could be supposed to have assented to it. This last condition simply means, for Kant, so long as it is just. We are justified, then, in compelling rational beings to behave justly. Their rationality is a quality common to them, and the machinery of compulsion may be loosely called the expression of their common reason. This we ought to obey, however careless it is of our happiness, which it ought not to be, so long as it maintains justice.

My main criticisms of the doctrine just summarized would be the following:

1. Kant's distinction between unjust or 'self-contradictory' government which we are not bound to obey though we must not forcibly resist it, and merely oppressive or pernicious government, which though wrong must be obeyed, is difficult to maintain as a distinction of kind. It rests on his denial of any political duty to promote well-being; and this corresponds with his distinction between duties of perfect obligation or justice, whose infraction he calls self-contradictory, and the imperfect obligation of beneficence.[1]

2. He makes the casuistry of allegiance seem even simpler than this would make it, because he supposes that justice is always evident at first sight, injustice being self-contradictory, so that honest men cannot differ about it.

3. He has confused matters by identifying 'will' and 'practical reason', so that he can call what I see to be my duty but choose to avoid doing, and also what I think to be other people's duties, 'my will'.

4. This identification enables him to say that only when my actions conform to the dictates of the practical reason are they 'determined by my will' or free; when their motive is desire they are unfree. And as he seems to think that, at least about duties of justice, we can never be mistaken, the man who is coerced into acting justly might be said to be 'forced to be

[1] *Grundlegung*, II.

free', since he is forced to act in conformity with his practical reason or 'will'.

5. I will repeat that the points just criticized lead, in Kant's successors, to very important inferences which I believe he would himself have refused to draw. On his view both the practical reason (*Wille*) and the choice to obey (or disobey?) it (*Willkür*) are noumenal. The proper consequence would seem to be that we can say nothing about them except that they appear to us in the phenomenal world as respectively a faculty of desire and a 'choice' determined by such desire. Consequently all our acts whether of obedience or disobedience to the state would, in the phenomenal world, appear to us as moved by desire, immoral or non-moral, and unfree. And similarly every action of the state, if we apprehend such action, is phenomenal, immoral, and unfree. Kant's successors, however, seem to have identified the apprehended laws and institutions of our country with the noumenal will, and therefore to have attributed to them a reality, perfection, and freedom which neither the individuals who made them nor those who oppose and destroy them can attain, though they may in some degree approximate thereto by implicit obedience.

I have reserved for separate treatment a doctrine of Kant which has had great influence on the history of political philosophy, but which I do not think affected his own account of allegiance: I mean his philosophy of history. It may naturally be objected that Kant was surely right here, and that consequently a discussion

of the subject is irrelevant to our main theme—the nature of political obligation—since the historical origin of a state may be as irrelevant to our duty of obeying it as the motives of our grandparents in marrying would be to our duty of obeying our parents. But so-called philosophies of history have a somewhat questionable relation to history; they have sometimes been suspected of being attempts to enlist historical theories in the service of a philosophical theory or political creed. At any rate, we shall see that they have played an important part in the development of idealist doctrines of the state and of the real will.[1] It therefore seemed incumbent on me to discuss them.

Both Plato[2] and Aristotle[3] had put forward generalizations, founded on slight historical knowledge, as to the usual course of development or decay in political societies. But neither attempted to demonstrate philosophically the necessity of the world's progress. Aristotle would perhaps have relegated such a task to poetry,[4] which has always dreamed of a *magnus saeclorum ordo*,[5] with its Saturnian kingdoms and its ages of gold and brass and iron and clay.[6] Polybius,[7] on slight grounds beyond a child-like love of symmetry, thought that the world's course must be circular, and that knowing this, though we might mistake the time required for the wheel to come full circle, we could at least be sure whither we were tending. Medieval

[1] See Ch. XII. [2] *Republic*, VIII. [3] *Politics*. [4] *Poetics*, 1451*b*.
[5] Virgil, *Eclogue*, iv. [6] Daniel ii. 39. [7] VI. ix. 10.

chiliasm only substituted arithmetical neatness for this geometric symmetry.

Vico[1] desired to see the necessity (*cogitare*) of history as well as its fact (*videre*), and he endeavoured to do this by identifying the temporal stages with ideal elements or faculties of mind.

Kant's interest here is almost entirely moral or religious. He seeks assurance that, in spite of men's incredible folly and baseness, the world, since it progresses, is not wholly bad and that our effort is worth while because on our side is something not ourselves which makes for righteousness. 'The fierceness of men shall turn to thy praise.'[2] In the *Critique of Judgement* (1793) he argued for the indispensability of teleology as at least a working hypothesis in biology, and as implied in the aesthetic and scientific experiences. In the *Idea for a Universal History from a Cosmopolitan Point of View* (1784) he mainly relies on these scientific analogies; in the *Relation of Theory to Practice in International Law* (1793) the argument is mainly moral. In the *Perpetual Peace*[3] (1795), supplement 2, both arguments are united, and supported by an empirical consideration of history.

In the *Universal History* he begins by pointing out that the selfish efforts of men for their private ends conflict and thwart one another, since they act neither

[1] *La Scienza Nuova* (1725), see Croce, *Vico*, translated by Collingwood. [2] Psalm lxxvi. 10.

[3] These last three works are all translated by Hastie, *Kant's Principles of Politics*, the first by Bernard.

by instinct like bees, nor by concerted plan like rational beings. So the designs of the few wise and virtuous exceptions are ruined. He next asks whether it is possible to find any over-ruling principle in nature which, however little men know it, compels them all by their very conflicts towards some higher end.

He then lays down nine principles:

1. In every organism each organ is destined ultimately to be fully developed for its end. This we observe.
2. In a reasonable creature like man the faculties of reason cannot be developed in the individual but only in the race.
3. Man, being little gifted with instinct, is destined to achieve nothing except by his own struggles and experiments. It seems as if, unreasonably enough, later generations were to enjoy the fruits of our labour.
4. The natural means by which men's faculties are developed is their social antagonism, which compels them to an orderly discipline. Men naturally form societies but naturally rival one another in greed and ambition. Hence come both the development of their powers and the need for a juster organization. Thank God, then, for our vices.[1]

[1] So the true analogy is not with an individual organism, where whole and parts are mutually serviceable; for here the earlier serve the later. It is rather with the adaptation of

5. The hardest of all problems, to whose solution however nature impels us, is the attainment of a civil society which shall enforce justice. Only by the combination of freedom with coercive authority, to prevent encroachment on the rights of others, can man achieve this the perfection of his faculties.
6. For this purpose man needs a master to compel him to be free. This master is the will of the community.
7. The possibility of such a civil constitution depends on the just regulation of the external relations between states. Such an international federation must be as necessary a result of the exhausting struggles and miseries of nations as the state was of the lawlessness and hostility of men. Under the dread of war no great advance in internal constitution is possible.
8. The whole history of humanity, then, may be regarded as the natural evolution, by hidden laws, of a political constitution, perfect internally, and therefore also in its external relations, in which man's natural capacities can be fully developed. If we could accept this hope, that would itself be a step to its realization. And experience affords some evidence of its truth.

species to environment. But Kant was before Darwin and found a providential carelessness of the individual difficult. Cf. *On Particular Providences* (VII *Kleine Aufsätze*) and *On the Use of Teleological Principles in Philosophy* (1788, both in Cassirer, IV).

Every state, in pursuit of its own prosperity, is driven to increase both liberty and order in its bounds. Wars become more and more widely disastrous and nations are forced to seek peaceful settlement.

9. With this clue philosophy might trace out the law of historical development.

Kant concludes by saying that he is far from wishing to supersede the empirical study of history; but that posterity will surely estimate the vast mass of historical information now accumulating solely from the point of view of what interests them; and that this will be the achievements of the different nations in bringing about this end.[1]

Probably no one could to-day use the analogy from biology quite as Kant does. We know of many atrophied or rudimentary organs and 'degenerate' species. On the other hand we believe that species become adapted to their environment by the survival of the fittest. But just as individuals are eliminated, so are many species.

In the *Theory and Practice* Kant asks whether it is possible to love humanity, or whether, while wishing it well and doing what we can for it, we must turn our eyes from it with repugnance, since no good can be expected from it. The answer, he says, depends upon whether we think it possesses capacities for development such that its present vices will be lost in its future virtues. For that which remains evil can only

[1] Cf. Chap. XII, ii, below.

be loathed.[1] The spectacle of continual relapses into cruelty and barbarism, all that was so painfully gained being lost, and of injustice increasing with power and culture, would be disgusting alike to God and man. Kant, therefore, assumes a constant, if gradual and fluctuating, development of mankind in morality as well as in culture. His argument is that, as we all feel the obligation to work for the improvement of posterity, such improvement must be possible; he is only entitled to say we do not know it to be impossible.[2] To prove it necessary, independent of our efforts, would be to prove too much. He then supports his conclusion by arguments similar to those of the previous essay, pointing out that after all it is rather men's selfishness and even cruelty that leads to this result than their benevolent efforts.

In supplement I to the *Perpetual Peace* Kant asks what is our guarantee for the end of war; and answers that it is nothing less than the great artist nature, which may fitly be called providence, from whose mechanical course shines forth the visible design, by men's very hostilities, to enforce their union. We cannot indeed recognize, or even infer this providence in the works of nature, but we are able and obliged to *think* it in order to conceive their possibility on the

[1] This suggestion, that we love 'humanity', while detesting all men born, is as odd as Kant's main argument that providence is justified by the amelioration of our descendants for the degradation of our ancestors and ourselves.

[2] Strictly, only that we do not know it is impossible to ameliorate human misery or to diminish its increase.

analogy of human technique. Such an idea, even if theoretically unjustifiable as more than a working hypothesis, is, he thinks, 'practically necessary' as involved by our acknowledged duty to strive for the abolition of war. It does not enable us to predict the result, but only to conceive it and in the meantime to work for it.

Kant's philosophy of history does not seem to affect his account of allegiance, as it afterwards did Hegel's. It is merely a metaphysical or theological postulate, implied, as he thinks, by our aesthetic experience and by the intelligibility of the world, and especially by our knowledge of organisms and of obligation. By justifying God's ways to man it confirms man in his conviction of duty. But it is a two-edged weapon. If Kant used it to hearten men in a forlorn fight against a sea of evils, it has since been used to point the complacent moral that whatever is (or is coming) is right; not that we are armed in a just quarrel but that might is right, and that God is on the side of big battalions with dry powder.

However unconvincing we may find Kant's arguments, both moral and scientific, his optimistic conclusion is one that has a universal appeal. What is most interesting to the modern reader is its close and obvious relation to the Dialectical Materialism[1] which has been adopted as the official philosophy of communism. There are of course also affinities with other lines of modern speculation, which may be grouped under the general title of 'emergent evolu-

[1] Cf. Chap. XII. ii, below.

tion'.[1] But Kant and the dialectic materialists resemble one another more closely than they do these, by being mainly interested in social development and by emphasizing the paradox that progress towards peace and union is necessitated through conflict and struggle rather than dependent on our conscious efforts. Kant, in conformity with his age, was frankly theistic and teleological. Dialectical materialists, in their fear of other-worldly quietism, are more anxious to deny all teleology than seems quite consistent with their assurance of truth and of progress. This is almost the only vital difference; for though political economy seems one of the few subjects which Kant did not profess, he illustrates nature's technique of human evolution by examples from that sphere. Marx and Engels, the first outliners of dialectical materialism, may not have read Kant's political work, but some among their followers[2] have recognized their close relationship both to Kant's political and to his (pre-critical) scientific treatises. At any rate they were unfortunate in founding their philosophy of history rather upon Hegel, and therefore taking over uncritically the triadic dialectic of thesis, antithesis, synthesis, which, whatever import it may have had for its inventor, is clearly unsuitable in any rigorous form to the temporal development that alone concerns history.

[1] Cf. Lloyd Morgan, *Emergent Evolution*; Smuts, *Holism and Evolution*; Alexander, *Space, Time and Deity*, &c.

[2] e.g. Deborin, not, I believe, at this moment recognized as orthodox. See *Marx-Engels Archiv*, i.

IX

HEGEL

HEGEL says that the historical origin of the state is irrelevant[1] but that Rousseau had the merit of proposing the rational will as the essential principle of political allegiance. Rousseau's mistake was to think of the will as an individual will, and of the general will as merely the common element emerging from conscious particular wills, instead of as the fully realized rational element in will.[2] Consequently he made the union of individuals in a state a contract, based on voluntary choice and consent, thus compromising the state's essential divinity and absolute authority and majesty. The result of such abstraction was the scheme, for the first time in history, to found a constitution *de novo* on pure theory, with all the horrors incident to such an attempt. If the state were to be identified with the bourgeois society whose only aim is the protection of property and individual liberty, then the well-being of individuals could be the one purpose of this union,[3] and membership of a state would be optional. But in fact it is the highest duty of an individual to be a member of his state;

[1] Werke, viii (Berlin), *Philosophie des Rechts* (1821, trans. Dyde), § 258. As we shall see, he thinks the philosophy of the history of states relevant.

[2] 'Das an und für sich Vernünftige.'

[3] This is what Kant denied; he thought the purpose should be justice.

only thereby has he any reality, truth, or goodness.[1] That is his true end, and the condition of any other activity or satisfaction. Against the view that particular wills are real and responsible for the state, it must be maintained that the universal or objective will is implicitly rational, whether it be recognized and assented to by individuals or not. The state is the moral world; it is the actualization of freedom. For in freedom we must not start from individual self-consciousness but from the essence[2] of self-consciousness, which, whether men recognize it or not, realizes itself as sovereign might, in which individuals are only moments. In the existence of the state we see God walking upon earth;[3] its foundation is the might of reason actualizing itself as will. In conceiving of the state we must not look at particular states or constitutions, but rather consider the ideal, the actual God, by itself.[4] Every state, however bad it may be from some particular point of view, whatever its faults, if it is a developed contemporary state, has the essential characteristics of a state.[5] It is easy to criticize, but even the most loathsome human being,

[1] 'Objektivität, Wahrheit, Sittlichkeit.'

[2] 'Das Wesen.'

[3] 'Es ist der Gang Gottes in der Welt, dass der Staat ist.' Cf. Hobbes, *Lev.* xviii, p. 37 above.

[4] 'Die Idee, diesen wirklichen Gott, für sich betrachten.'

[5] 'Die wesentliche Momente seiner Existenz in sich.' Yet in the *Philosophie der Geschichte*, Werke, ix, we are told that England has practically no freedom. The translation by Sibree is from the 2nd edition (K. Hegel, 1840) which differs considerably from the 1837 text of Gans.

diseased, crippled, criminal, is a man; and so it is with states.[1]

In this passage we find clearly exhibited the influence of Rousseau, modified by Kant in two ways: first by the distinction between phenomenal wills and the will-in-itself, and secondly by the conception of a divinity that shapes our ends, rough-hew them how we will.

In the same vein we find the state identified with the ethical world[2] and also with reason, and its commands with objective justice.[3] The complaint is made that, though justice thus realized in the state is as much an objective fact as the physical world is, subjective conscience ventures to criticize it, and philosophy, whose proper exercise is in the service of the state,[4] has lent its aid. But the unperverted mind is said intuitively to recognize the compulsion of social institutions as fundamentally its own.[5] In ethical society man's only duties are the well-known duties socially prescribed him by his station.[6] In civil society law expresses what is intrinsically right.[7] This being the nature of the state, it has no need to found its claim to obedience on any kind of contract or popular assent.[8] It does not even seem necessary that the state

[1] *P. d. R.* [2] 'Die sittliche Welt.'

[3] 'Das substantielle Recht,' *Philosophie des Rechts*, Vorrede, pp. 7–8, cf. § 140, note.

[4] Loc. cit. p. 13. [5] *P. d. R.* § 147. [6] *P. d. R.* § 150.

[7] 'Das Gesetz ist das Recht, als das gesetzt, was es an sich war,' *P. d. R.* § 217.

[8] *P. d. R.* §§ 75, 100 (note), 258, 281.

should consult the well-being or happiness of its subjects if that conflicts with its own greatness.[1] Indeed war is justified on the grounds that by it domestic discontent and hankerings after liberty are quelled, and the inconsiderable nature of individual life and happiness demonstrated by 'hussars with shining sabres'.[2]

Yet Hegel held that in implicit obedience to such absolute authority man finds his true freedom, since he is obeying the state, which is objectified reason. The ideas that freedom consists in doing what one likes[3] and that morality consists in doing what one believes right[4] are said to belong to the crudest level of thought; but it is not explained how we escape this 'subjective caprice' if *we* decide that the state knows better than we do. It is admitted to be an advantage if the state can conciliate the convictions of its subjects, but that is not essential.[5] This conception of freedom clearly depends on an identification of my real will with that of the state, and that, no doubt, depends ultimately upon Hegel's doctrine of the concrete universal, so that we can hardly expect to

[1] *P. d. R.* § 100. Cf. the odd remarks on marriage in *P. d. R.* § 162 where it seems to be stated that what is 'of infinite importance' to the individuals concerned is of none 'in itself'. For a more moderate statement, cf. §§ 261, 270.

[2] *P. d. R.* § 324.

[3] *P. d. R.* § 15 note.

[4] *P. d. R.* § 140e.

[5] *P. d. R.* § 206. Quite inconsistently Hegel praises freedom, in the ordinary sense of immunity from state interference, in the *Kritik der Verfassung Deutschlands*, p. 20. Cf. pp. 122–7 and 192–8 below.

understand or accept the former without the latter. We may say here that either that doctrine does not really involve the consequences for political theory which Hegel and his followers often draw, or, if it does, we have very good ground for rejecting it.

The same doctrine is set out in the earlier *Phenomenology of Spirit*[1] in a more modest form. In national life self-consciousness is realized, for there men have the sense of complete unity with one another in independence, and each becomes conscious of self by sacrificing it to the universal self, which is the nation, and which maintains the welfare of all. So in the free states of Greece it was held wisdom and virtue to live by the customary law of the city. This naïve sense of union has indeed to be outgrown, as we pass from an instinctive good-citizenship[2] to conscious morality,[3] but that is only a stage, marked by loss as well as gain, in the progress to conscious good-citizenship,[4] to perfect identification of the self with a state in whose actual institutions we can recognize the realization of our own moral ideals.[5] In this progress the individual consciousness first comes to contrast itself with an outer world, hostile, but to be moulded to its desire.

[1] *Phänomenologie des Geistes* (1809), vol. ii, trans. Baillie C(AA)B.

[2] 'Die an sich unmittelbare Sittlichkeit.'

[3] 'Moralität.'

[4] 'Die Sittlichkeit für sich.'

[5] Cf. *P. d. R.* § 260. Possibly Hegel would have thought his three stages (which apply to individuals as well as societies) exemplified in Wordsworth's patriotic boyhood, revolutionary youth, and elderly idealization of the British constitution and established Church.

In seeking to satisfy itself in this world it discovers that it cannot do so as an isolated individual, but only as united or identified with others, and indeed as being more than an individual, and as having the necessity or law of union in itself. In carrying out this law it learns that to save its life it must lose it, and so it passes into virtue.[1] But virtue finds that its ideal is no far off event, but is realized in its own activity; well-doing is well-being.[2]

This is a Hegel, a still quasi-Kantian Hegel, to whom, whether we agree with him or not, we might appeal from some of his later utterances, like that already quoted. But it leads us to the crucial distinction between conscientiousness (*Moralität*) and an alleged higher stage of good-citizenship (*Sittlichkeit*), which is further developed later in the same work.[3] I understand Hegel to be criticizing the Kantian view of our obligations to other men as a law or laws, recognized by our individual reasons, a law which demands both the sacrifice of our desires and happiness and also sometimes a revolt against the laws and conventions of a society that has grown up partly out of accident and partly out of the selfish interests of men. He

[1] *Tugend.* (I do not distinguish this from *Moralität*.) In pre-Hegelian language, I suppose, following out the law of nature or reason, men sacrifice all their natural rights or powers and make them over to the general will.

[2] 'Das Thun selbst das Gute ist.' In Kantian language, I suppose, the good will is the only unconditionally good thing. The service of the general will is perfect freedom. Cf. C(AA)B, c.

[3] C(AA) B, c.

grants that this view, puritanical and pessimistic as he thinks it, is in some respects an advance upon the life of mere instinct and custom, but he holds that it must give way to a recognition that both our own desires and sympathies, and also the laws and institutions of society, were only other manifestations of the same universal reason which manifests itself in our conscience. In other words he turns Kant's philosophy of history against Kant's moral philosophy; tells us that the very greed and cruelty, on which states are founded and which our conscience revolts against, all work together for good and are therefore manifestations, perhaps better manifestations, of the same rational will which appears in us; and draws the conclusion that to be a loyal citizen and to fulfil one's station is wisdom, freedom, goodness, and happiness.[1]

We have already come across a certain ambiguity in Hegel's protests, that when he speaks of the state he means the ideal state and that, at the same time, his remarks apply to all states.[2] And according as we emphasize one or the other of these statements, the doctrine just expounded might be taken to mean either that a perfectly good man would conscientiously obey a perfectly good state, or that he would blindly obey any state. We must try to discover which is Hegel's predominant meaning. The first meaning

[1] Cf. Bradley, *Ethical Studies*, *My Station and its Duties*.

[2] It might be argued from the statement in *P. d. R.* § 274, 'Every nation has the constitution which is best suited to it', that all states are ideal states.

might seem indicated by his criticism of religious formalism, of slavery, and of Plato's ideal Republic as lacking in subjective liberty;[1] and also by his concession that the piety and morality of a peasant have infinite worth untroubled by the drums and tramplings of world history in its necessary progress,[2] which seems inconsistent with the argument that the rise of a state to power confers on it a monopoly of worth and reality and thereby a claim to unquestioning obedience. But evidence on the other side is strong.

A noble or governing class, we are told, represents the absolute universal spirit of the others; it is the manifestation of God. That it should be elected by the people or have the supreme authority conferred upon it would rather diminish than increase its sanctity.[3] States are not historically founded on contract but by force, not the physical strength of the tyrant, but his ability to impose his will on that of individuals. This is 'sheer frightful tyranny', but it is necessary and therefore *justified*,[4] since it is the foundation of the

[1] *Philosophie des Geistes*, 503: 'Moral and religious principles must not only lay claim on the individual as external laws, but must find assent and justification in his heart and conscience.' Cf. 552: 'From externality in religion arises a laity receiving its knowledge of divine truth, as well as the direction of its will and conscience from another order. It generally leads to contentment with outward conformity. The spirit is radically perverted; law and justice, conscience and responsibility are corrupted at the root.' The same story can be told of states.

[2] *Phil. der Geschichte*, Einleitung.

[3] *System der Sittlichkeit*, ed. G. Mollat, 1893, III. iii.

[4] *gerecht* (my italics).

state. This state is the simple absolute spirit, confident in itself, against which nothing finite has standing, no ascription of good and evil, of infamous villainy or of cunning treachery. It is superior to all these, for in it evil is reconciled with itself. It was in this lofty strain that Machiavelli wrote his *Prince*. . . . Men pretend to kill tyrants for their cruelty, but in fact only because their work is done; they are divine, though only with the divinity of beasts, a blind necessity as terrible as evil itself.[1]

It can, of course, be urged that in all this Hegel is so far from describing the ideal state that he is only tracing the unhappy course of its development in the past. Yet if his words mean anything, he *justifies* any crime by its fortunate results and belittles or blames the conscientious scruples of those who resist it. Whether he would justify the crimes of a would-be dynast who failed through no fault of his own, or would blame those who successfully foiled him, is hard to say. For as Kant's use of the philosophy of history was to give us hope that the future will be better than the present, however little we deserve it, Hegel uses the other end of the same stick to prove that the power which brought us out of the horrible pit and ordered our goings must have all that it imposed upon us on the way, or is still imposing, wickedness as well as suffering, counted to it for righteousness. Indeed the section III, iii, C of the *Philosophie des Rechts*, entitled *Die Weltgeschichte*, by

[1] *System der Sittlichkeit*, Anhang.

adopting as its motto Schiller's famous epigram 'Die Weltgeschichte ist das Weltgericht', frankly identifies might with right and claims an undialectical finality, as if ours were the Judgement Day. Since spirit or reason rules the world, all that succeeds must be good, and the more *de facto* power anything has, the more right. And the state has great power. This position is explicitly defended in the introduction to the *Philosophy of History*.[1]

What the absolute[2] aim of Spirit requires and accomplishes, we there read, what Providence does, transcends the obligations and responsibilities of persons, to whom good or bad moral motives can be imputed. Those who, on moral grounds and from noble motives, have resisted what the progress of the Idea of Spirit necessitates, are, no doubt, *morally* superior to those whose crimes have been employed by a higher dispensation to effect its purposes; but in such struggles both parties, *generally speaking*, stand on the same level of imperfection. Consequently it is merely formal justice, abandoned by the Spirit and by God,[3] that these self-righteous apologists defend. The

[1] Gans, vol. ix, p. 67; Eng. Trans., p. 70. Cf. *P. d. R.*, Vorrede, p. 18. What is, is not only intelligible (*?vernünftig*) but is reason (*Vernunft*) and what *is*, is no *ideal* state. Cf. *Phil. d. Geschichte*, 'The world is as it ought to be.' E.T., p. 38.

[2] 'An und für sich seyende.'

[3] *My italics*. 'Generally speaking' has dropped out. Cf. *Victrix causa deis placuit, sed victa Catoni* and 'What God abandoned these defended', A. E. Housman, *Last Poems*, xxxvii. Cf. also Marx, *La Misère de la philosophie*, Pref. to

deeds of great men, therefore, of the individualities of world-history, might be justified not only by their unconscious inner significance but even from a human point of view. Yet the deeds of supermen[1] are really exempt from the claims of morality. Against them we must not raise the litany of private virtues, of decency, modesty, humanity, and charity.[2] World-history is justified in rising superior to the sphere of morality with its hackneyed distinction between morals and politics,[3] not only because it does not judge—though its principles, and the necessary relation of actions to them, are judgement enough—but also because individuals fall outside the sphere of its notice. Its judgements are passed upon the deeds of the Spirit of Peoples. A nation is moral, virtuous, vigorous (and, I suppose, approaches the ideal State) so long as it is realizing its grand object, for example to possess the world's commerce, the wealth of the Indies, parliaments, juries.[4] Caesar, acting for his own

German Trans.: 'Morality only condemns what has already been condemned by history.' Cf. *P. d. R.*, § 345.

[1] 'Welthistorische.'

[2] Nearly Plato's political virtues of αἰδὼς καὶ δίκη. *Prot.* 322 (see p. 20 above), more exactly Nietzsche's 'slave virtues'.

[3] Contrast Kant, *Perpetual Peace*, App. I. 'On the Discrepancy between Morals and Politics.' 'The guardian divinity of right need not bow to the Jupiter of might, who also awaits the ultimate decree of fate', i.e. 'das Weltgericht'.

[4] E.T., p. 77, not in Gans text. Cf. *P. d. R.*, §§ 342–6. 'World-history is realized reason. Its plan is knowable. It entrusts to particular nations missions which transcend justice and morality' (summarized).

interest, was a blind but inspired instrument for fulfilling the mission of Rome. A superman may treat great, even sacred, interests inconsiderately—conduct which is indeed obnoxious to moral reprehension; for so mighty a force must trample down many an innocent flower.[1]

What such a theory of justification by success fails to explain is the presence in the world's course of unsuccessful or disastrous episodes, vain crimes and useless martyrdoms, great civilizations whose memorial has perished, and happy island races which are as though they had never been. Is it best called laziness or snobbery to dismiss all these, as well as all individuals, as 'unhistorical'[2]—beneath the notice of philosophy? Providence seems to be pictured in the philosopher's own image, as the manager of a business so large that some of its details escape his attention; those subordinates who are too honest to carry out his schemes he dismisses, with a character. And no doubt, if we exclude from world-history all the exceptions, world-history will prove our rule. 'The real is rational', but then the actual, so far as we cannot 'rationalize' it, is not real.

Fortunately our purpose can be attained without discussing the whole foundation of Hegel's philosophy. It is enough if we have convinced ourselves that his account of allegiance is monstrously in-

[1] E.T., p. 34, not in Gans text.

[2] *P. d. R.*, § 347, *Phil. der Geschichte*, Einleitung. And even history is only appearance. *P. d. R.*, § 258.

credible unless applied to an ideal State, and that, for all his protests, he in fact applies it to very ordinary states. If any further witness is needed on the last point, we may consider briefly his account of the international relations of the State—the same state 'against whose substantial goodness subjective morality must not raise its puling litanies'.

International relations, Hegel asserts, are not merely moral like those of private persons who live under a tribunal which can enforce what is in theory[1] just. Consequently in international relations justice must remain in the realm of theory.[2] States are superior to their pledges. In this world right must have might. A people as state is Spirit in realized rationality and actuality: it is the absolute might on earth.[3] States are independent wills, and the will of the whole is for its own well-being. That, then, is their highest law[4] in their mutual relations, for in a state the distinction between the formal rightness of the will and its actual object is transcended. The object of a state in all international relations, and the justifying principle for all wars and treaties, is its own actual private welfare, no universal philanthropy. Since the state is itself morality actualized, its very being, which is the same thing as its right, is a concrete reality, no abstraction

[1] 'An sich.' [2] 'Beim Sollen bleiben.'

[3] *P. d. R.*, §§ 330, 331, 333, and cf. § 337, a passage presumably directed against Kant's contention that politics should conform to morality, which is described as a shallow view. Cf. Kant, *Perpetual Peace* and *Theory and Practice*.

[4] *P. d. R.*, § 336.

like the so-called principles of morality; and this is the principle of its conduct. To accuse statecraft of injustice is a mark of shallowness.[1] When a people has a world-mission to fulfil, no other has any right against it; those whose mission is fulfilled count no more in world-history.[2] The might of a state is its right because there is no general will actualized in a coercive power above it. Its only superior is the World-spirit which judges by success.[3]

On the balance, then, of irreconcilable contradictions, Hegel's most consistent views emerge, I think, as closely resembling those of Hobbes and Spinoza.[4] The state has just so much right, both against its subjects and against other states, as it has power. The 'superman', like Caesar, has a right to oppose its will, because he is able to impose his will on it; and all this is as it should be.

Nor is it surprising that the conclusions should be similar since the premisses were not unlike. On Hegel's view all moral principles and claims, including, I think, obligations, are merely abstract and 'ideal'; however 'true', they are not yet actualized; the only thing that can actualize them is the will, that is to say, the needs, desires, impulses, and affections of man; if I am to bring anything about I must find my satisfaction in the achievement. 'The absolute right of per-

[1] *P. d. R.*, §§ 336–7. [2] Ibid., § 347.
[3] Ibid., §§ 333, 340.
[4] Cf. Wallace, *Hegel's Philosophy of Mind*, p. clxxxii, a good statement of the whole theory.

sonality is to satisfy itself.' Its interest may be 'unselfish', but nothing is done except by persons seeking their own satisfaction, nothing is done without passion.[1] Obligation is 'moralisch, ein blosses Sollen'. The context will not allow us to include in these admitted interests Kant's 'intellectual interest' or 'reverence for the moral law'.

But it would be a mark of impatience to relegate Hegel summarily to the same class of moral philosophers as Hume, with those who describe obligation as an interest (one among others) which we take in the welfare of all men and in the execution of justice and the maintenance of a civil state, as a means thereto. He had before him, what Hume had not, the directly contrary view of Kant; and he cannot be accused of failing to consider it.[2] He regards it as unsatisfactory and as definitely superseded. Whether he means that it is a false account of the moral experience, though an account which in a certain stage of philosophical insight men necessarily gave; or whether he means that

[1] *Phil. der Geschichte*, Einleitung. For modern versions of the Hegelian political philosophy, see Treitschke, *Politik*; Ritchie, *The Rationality of History* (*Essays in Philosophical Criticism*); Marx, *Critique of Political Economy*; Engels, *Socialism, Utopian and Scientific*. Cf. *P. d. R.*, § 261.

[2] In *Encyklopädie*, 95, 503–16, *Phänomenologie des Geistes*, C (BB) and many other places. I am not always sure whether Hegel has before his mind in these criticisms mainly Kant's moral doctrine or the metaphysic of Fichte, e.g. *Vom Ich als Prinzip der Philosophie*. Anyhow he seems to mean that if I think I ought to try (or to refrain from trying) to affect the course of events, I am mistaken.

it is a true account of an experience which every man in the course of his development necessarily goes through, or of one which was the highest attainable by men before his own day, I am not sure. His main criticisms of it, so far as I understand them, seem to be that, for several reasons, it makes morality self-contradictory or absurd:

1. That there would be no guarantee that the moral man would succeed in effecting the changes he tried to bring about, and certainly not in perfecting the world.
2. That if *per impossibile* he did so succeed he would thereby destroy the possibility of further morality; there would be no more changes which he ought to effect.
3. That still less can he hope to become perfectly moral, to resist all desires contrary to duty, and certainly not to eradicate his desires.
4. That if *per impossibile* he did so succeed he would again destroy the possibility of morality, which consists in the struggle to resist desires.
5. That consequently the moral condition is one of necessary self-frustration and unhappiness.
6. That there are conflicting obligations which cannot all be fulfilled.[1]

[1] The fact which is troubling Hegel has been described by saying that in a given situation we may have several prima facie duties of which, on reflection, we shall see one to be our actual duty. (Ross, *The Right and the Good*, pp. 18–36, &c.) It might be better to say that there are several claims upon us, to each of which corresponds a responsibility, the strongest

7. That the moral man aims at doing right, but can at best only do what he thinks right; he therefore claims that the good will is all that matters, and yet that the good will is the will to bring about good.[1]

The first five of these objections, in any sense in which they are true, seem to involve no self-contradiction or absurdity. There is no absurdity involved in saying that the ideal of the coercive State is to make itself unnecessary and that we ought to try to bring this about whether we can completely succeed or not;[2] nor yet in saying that we ought to try to cure our bad habits so long as we have any. What *is* involved is the conclusion that we find ourselves in a world which is not quite what we should, perhaps

of which (or that which we believe to be strongest) it is our duty to fulfil.

[1] As Hume showed (cf. p. 49 above) it does not seem true that our only obligation is to produce good. I may have an obligation *to do what seems to me most likely* (i.e. to try) to bring about a state of affairs (e.g. the receipt of money by my creditor) which nobody else would have any obligation to try to bring about. Kant was, no doubt, wrong if he contended that we always know we ought not to break a promise. But so was Hegel, if he contended that we always know we ought to obey the state. 'Ethical goodness' only seems to escape the 'subjectivity' objected to 'morality' so long as it is indistinctive; and then it may be ethical badness.

[2] Kant was perhaps following the same train of thought as Hegel in arguing (if that is what he really meant) that there is a self-contradiction in doing anything (e.g. making a fraudulent promise), even when some other people do not, if it would be impossible or futile to do it, when everybody else did it, or tried to do it. Cf. p. 95 above.

unwisely, wish, nor what we ought to try to make it. The last two (6 and 7) objections raise difficulties which seem to depend, as I have indicated, on misdescriptions of morality. If they were real difficulties I should not be inclined to try to remove them at the cost of failing to distinguish obligation from self-interest.

I am, then, reduced in the end to the conclusion that, if Hegel is right in holding Kant's distinction between desire and duty to be a crude abstraction, then it is a world of crude abstraction with which political philosophy has to deal. But, on the contrary, I think that the chief cause of the staggering paradoxes in Hegel's political philosophy, and of their shameless practical application by some alleged disciples, is his failure to recognize this distinction.

NOTE

THE place of the individual is a crucial question for Hegel's system, the full discussion of which might occupy a large book. We are only directly concerned with the human individual or person, his relation to the State, which seems to be Hegel's name for the human universal, and his place in history. But Hegel's surprising teaching on these points can hardly be even intelligible without a brief attempt to relate it to his whole philosophy.[1]

An 'absolute philosophy', which rejects the unknowable thing in itself, and yet allows no immediate knowledge of self-evident facts, is committed to the doctrine that 'only the rational is real'; and this must be understood

[1] Cf. Ch. XII below.

to mean that every element in the whole can be seen as necessarily and intelligibly conditioned by every other and each by the whole. It would not be sufficient for such a philosophy that by empirical induction we should establish causal laws of a high degree of probability and by them 'explain' the course of history and the observed facts of nature.[1] What is demanded is rather an insight into the necessity of the connexion, such as we never seem to have into the causal relation, but rather comparable with that which we have into mathematical and logical necessitation. Accordingly Hegel claims to break down the traditional distinction between history and natural science, on the one hand, and logic on the other; on the one hand he offers us a 'dialectic' of history and of nature, on the other his logic is often presented in terms which to the casual reader would suggest a temporal development of categories, wherein one produces another either mechanically or by organic growth. Whatever value his philosophy may be thought to have in detail, it seems that as a system it must stand or fall with its success in overcoming the 'merely given' character allowed by most previous thinkers to the individual things and persons perceived in time and space, and in showing that whatever is real is logically, not only causally, necessary. There

[1] Cf. Bosanquet, *Logic*, II. vii, quoted p. 161 below. Cf. Joseph, *Introduction to Logic*, p. 63. 'Science consists in tracing the connexion of universals; history in tracing their coincidence in individuals. The two no doubt utilize one another. It is by noticing how attributes are historically found conjoined or disjoined in divers individuals that we learn which are really connected together (Induction); while again the discovered connexions of attributes . . . help to explain the history of individuals.'

seem to be two methods by which this might possibly be attempted, and it is difficult to be sure on which Hegel relies, though the one must surely exclude the other.

Either he might claim, as he often does in his *Philosophy of History*,[1] *Philosophy of Nature*,[2] and *Aesthetik*,[3] to demonstrate *a priori* the intelligible necessity of individual things and events in space and time, such as the overthrow of republican forms of government at Rome by Caesar, the distribution of land on the earth's surface, or the writing of Shakespeare's plays. If this was his serious and deliberate contention, he has failed.

Or he might claim, instead, to throw the individual overboard as unreal, and to demonstrate only the necessity of universals. Most often, perhaps despairing of the first method, he seems to resort to this. He maintains indeed that all which is real is rational, but, distinguishing reality from existence and identifying 'truth' with 'the ideal',[4] he is only committed to demonstrating the rationality of the rational. 'The time difference has absolutely no interest for thought.'[5] On this view most of the *Philosophy of History* (or 'thinking history') and of the *Aesthetik*, and much of the *Philosophy of Right* ought to be unwritten. Yet he certainly held that the time order of philosophical systems, of types of art and of political systems, 'on the whole' conforms to a logically necessary order; otherwise his boasted reliance on concrete historical development as against 'mere ought to be' would be empty. 'The Idea is not so impotent as merely to have a right or duty to exist.' So far as he follows the second

[1] Ch. XII below. Cf. *P. d. R.*, Einleitung. [2] e.g. § 339.
[3] e.g. ii, p. 416. [4] *Encyklopädie*, § 213.
[5] Ibid., § 249. Cf. § 16.

line of argument Hegel condemns the time order of events, the spatial distribution of bodies, and the distinction of persons as 'uninteresting for thought' because only actual, not real, and therefore not rational. He at most contents himself with asserting, on no very clear grounds, the rational or logical necessity that there should be contingency and particularity or irrationality, whose existence he compares to the rebellion and fall of Lucifer.[1] Even on this line of argument many of the difficulties which beset the first recur. Hegel's attempts to prove dialectically the necessity of empirical universals such as the 'lode-stone', 'the art of sculpture', 'the protestant spirit' (apart from the question of their realization in instances) are hardly more successful than his attempts to deduce the particular instances themselves or the general notion of particularity. Against all such 'absolute' attempts the more cautious doctrine of Leibniz seems to hold good that, though we may *suppose* the existence of particular things to be necessitated by the goodness of the whole universe, it can never be possible for a finite mind to prove this, since the relations involved are infinite in number.[2] Spinoza seems to put the same difficulty in his own way, in asserting that the nature of particular things is not determined by the nature of God or of his attributes considered as infinite (which would correspond, I think, to Hegel's 'rational' or 'dialectical' deduction), but only causally, that is, from the nature of God as it is determined in some other particular way and so on *ad infinitum*; for he argues that whatever was directly determined by God's nature as infinite and eternal would

[1] *Philosophy of Religion* (XII, p. 207). Cf. Seth, *Hegelianism and Personality*.

[2] *Monadology* 36, &c.

itself be of like character, and such things would not differ one from another as particular things do.[1]

It has been sometimes contended[2] that it is improper to limit the Hegelian argument to one or other of these lines and to emphasize the failure of either. It is said that he is justified in using both, as may suit him, that together they establish his doctrine and that their union is the triumph of his method. On this view he is entitled to maintain both that there is a real temporal development of which absolute self-consciousness is the outcome, and also that this self-consciousness is identical with a timelessly real absolute of which the development is only an appearance; both that the existence of an irrational element of particular contingent things can be rationally seen to be necessary, and also that the rationality of these irrational particulars can be demonstrated; both that my whole duty, reality, and goodness consist in obedience to the state of which I am a member, and that some states may be so bad as to have no reality at all. Granting such contentions, any theory would be hard indeed to refute.

In the *Philosophie des Rechts*,[3] Hegel says that philosophy must above all things avoid constructing an ideal state, which would exist indeed (*existirt*), but only in our imagination; 'das was *ist* zu begreifen, ist die Aufgabe der Philosophie, denn das was *ist*, ist die Vernunft'. Yet he also says:[4] 'bei der Idee des Staats muss man nicht besondere Staaten vor Augen haben, man muss vielmehr die Idee, diesen *wirklichen* Gott für sich betrachten.' In the *Encyklopädie*[5] he quotes the former passage as if it had said: 'Was

[1] *Ethica*, I. xxi, xxviii; II. ix.
[2] Cf. Ritchie, *Darwin and Hegel*.
[3] Vorrede, p. 18.
[4] § 258.
[5] Einleitung, p. 10.

vernünftig ist, das ist *wirklich*, und was *wirklich* ist, das ist vernünftig', and goes on to say that God alone is 'wahrhaft wirklich', but that not all 'Dasein' has 'Wirklichkeit', since it may be only a 'zufällige Existenz'. For the explanation of these distinctions he gives a general reference to the *Logik*. He also says[1] a 'wahrer Staat' is a state as it ought to be: 'wenn die *Realität* dem Begriff entspricht', and that 'das Unwahre' is 'das Schlechte'. In the *Logik*[2] he distinguishes 'Sein' from 'Dasein' or 'bestimmtes Sein', and defines 'Wirklichkeit' as 'die Einheit des Wesens und der Existenz';[3] he also tells us that 'alles was *ist*, *existirt*'.[4] But none of this helps us to decide whether 'the State', obedience to which is my whole duty and reality,[5] is, for instance, the Prussia of 1820 and the Great Britain of 1934, or some city laid up in heaven, whose laws I might best conjecture by consulting my own conscience. I cannot tell which he means.

If the dialectic proves certain things inevitable, there can be nothing we ought to do about them. Nor is it easy to see how it would prove of any actions that we ought, or ought not, to do them. For its only criterion is the goodness of the whole, in which every element is equally necessary. About obligations and responsibilities dialectic can only conclude that we have none; and this we know to be false.

[1] § 213.
[2] Werke, iii, p. 112.
[3] Werke, iv, p. 184.
[4] Werke, iv, p. 120.
[5] *P. d. R.*, § 258.

NOTE. Mr. M. B. Foster, in his *Political Philosophy of Plato and Hegel*, ascribes even more strongly to Hegel the strange assumption that Man's supreme duty is to obey his state in all things.

X

GREEN

THOMAS HILL GREEN started, perhaps more unequivocally than any other moral philosopher, from the view that 'the motive in every imputable act for which the agent is conscious on reflection that he is answerable, is a desire for personal good in some form or other'.[1] 'It is superfluous to add good *to himself*; for anything conceived as good in such a way that the agent acts for the sake of it, must be conceived as *his own* good, though he may conceive it as his own good only on account of his interest in others, and in spite of any amount of suffering on his own part incidental to its attainment.'[2] Green seems to me the most candid and careful thinker who has tried to start from this premiss and yet to give some account of obligation, and explicitly of political obligation.[3] It will therefore repay us to consider his moral doctrine in some detail. If we find that he fails to effect the reconciliation without ambiguities, we shall not readily expect to succeed ourselves. He tries to avoid the gross error of psychological hedonism by admitting that desire as such is not always either for happi-

[1] *Prolegomena to Ethics* (posthumously published 1883), § 91.

[2] Ibid., § 92. Cf. p. 27 above.

[3] *Lectures on the Principles of Political Obligation*, delivered in 1879, posthumously published in *Philosophical Works of T. H. Green*, and separately reprinted.

ness on the whole or for some particular pleasure,[1] but still maintains that desire for a particular object does not lead to action (properly so called) except when modified and controlled by the desire for our own well-being, for a happiness not to be identified with the satisfaction of any single desire.[2] It is, he thinks, a false hypostatization to speak of desire as opposing reason. 'There is a real unity in all a man's desires, a common ground of them all, and this real unity or common ground is simply the man's self, as conscious of itself and consciously seeking in the satisfaction of desires the satisfaction of itself.'[3] Strictly speaking, there can be no 'conflict of desires', for 'the object of a man's final [i.e. I think, deliberate] pursuit is one which he desires in the sense that for the time he identifies himself with it. Living for himself (as he necessarily does) he lives for it.'[4] 'To will' is to take some object of desire as our good. An act otherwise determined is not an act of will and should not strictly be called an act at all; indeed properly we should not be said even to desire [but perhaps to crave] anything which we do not for the time regard as our good.[5] To will is to seek self-satisfaction.[6]

[1] *P.E.*, § 127, but cf. § 146.
[2] Ibid., § 128.
[3] Ibid., § 129.
[4] Ibid., § 138.
[5] Ibid., §§ 145–6, but cf. § 127.
[6] But cf. § 177. 'The objects where good is actually sought are often not those where reason, even as in the person seeking them, pronounces it is to be found.' We ought not then to be said to will such a search. It is not action; we are not responsible for it.

Green clearly recognizes the difficulty:

'Granted that, according to our doctrine, in all willing a self-conscious subject seeks to satisfy itself—seeks that which for the time it presents to itself as its good—how can there be any such intrinsic difference between the objects willed as justifies the distinction which "moral sense" seems (!)[1] to draw between good and bad action, between virtue and vice?'[2]

His answer is as follows:

'The *common* characteristic of *the* good [*sic*] is that it satisfies *some* desire.[3] In all satisfaction of desire there is pleasure . . . but its pleasantness depends on its goodness. . . . We shall naturally distinguish the moral good as that which satisfies *the desire* of a moral agent, or that in which a moral agent can find the satisfaction of himself

[1] Cf. § 157, 'we seem to know'.

[2] Ibid., § 156. I assume that by good action Green means an action done because the agent thinks he ought to do it, and by bad action one done though he thinks he ought to refrain; for that is the distinction 'moral sense' in fact draws. If I am right in this, he is recognizing at least a prima facie difficulty in reconciling his moral psychology with what is generally called duty. If by good and bad he means right and wrong, this is still clearer.

[3] (*My italics.*) But cf. § 322, 'a good which though independent of a man's likes and dislikes is yet *his* good', and § 220, 'The possibility of judging that any desire should or should not be gratified' depends upon 'a capacity for conceiving a satisfaction of oneself as other than the satisfaction of any particular desire' and on the consequent 'capacity for conceiving anything as good permanently or on the whole'. This seems definitely to identify morality and prudence. Cf. § 232, 'The distinction commonly supposed to exist between considerate Benevolence and reasonable Self-Love . . . is a fiction of philosophers'.

which he necessarily seeks. *The* true good we shall understand in the same way. It is an end in which the effort of a moral agent can really find rest.'[1]

This seems to deny the name of 'moral agent' to any one whose desire for 'the moral good', by which Green seems to mean doing his duty, is not stronger and (or) more permanent than any other or others. But what could be meant by a duty if every man must always seek to satisfy himself? What could be meant by saying that some desires 'should' not be satisfied? or that practical reason is the capacity 'to conceive a better state of oneself as an end *to be* attained by action'?[2]

It is not surprising if Green fails to give a perfectly clear answer to such questions, but I have little doubt what his reply really is. I think it is that a man 'ought' to do whatever will secure his most permanent satisfaction; and that he cannot help doing this if he knows that it will. So virtue is knowledge. The desires whose satisfaction will in fact be most permanently satisfying for us all, though we commonly fail to recognize it, are desires for, or involving, a 'common good', that is the satisfaction of other persons as well as of ourselves.[3] Since in satisfying others we shall be successfully satisfying ourselves, we shall be doing what we ought (and what, if we are clear-

[1] Ibid., § 171 (*my italics*). This seems to be what Hegel regarded as an absurdity of morality (cf. pp. 120–1 above). If a man could once and for all have done all his duties, he would not have any duties to do.

[2] Ibid., § 177 (*my italics*).

[3] Ibid., § 199.

sighted, we must), and so be securing 'the moral good' or making ourselves morally perfect; and since nothing but a similar moral perfection of themselves will satisfy others permanently, that is what we must seek for them.

Consequently Green uses, as if they all described the same thing, such phrases as: seeking our own satisfaction; seeking our own perfection; seeking the perfection of humanity; seeking a common good.[1] And it is never easy to be sure whether the 'perfection' or 'good' sought consists in the state of affairs (say two enemies reconciled) which we seek to bring about, or in the goodness of our own act in seeking it, or in the satisfaction we or they may feel in knowing that our efforts are successful. He describes *moral goodness* as seeking self-satisfaction in contributing to human perfection *in some way or other*; that is, I suppose, either by being *morally good* ourselves[2] or by making other people *morally good* (for in the same sentence he identifies the intrinsically good with the morally good).[3] In either case the description is circular; moral goodness consists in aiming at moral goodness.[4]

Any one reading this summary of argument who

[1] *P.E.* §§ 176, 177, 179, 196, and especially 202.

[2] I use a vague phrase because I do not think Green always clearly distinguishes between the goodness of our moral actions (which might be attempts to make ourselves better morally) and a goodness either resulting therefrom (which might be an improvement in our moral character) or coming about in other ways. [3] Ibid., § 191. [4] Ibid., § 195.

had not read Green would surely pick out, as requiring further elucidation, the step which asserts that every man always finds his most solid and permanent satisfaction in the satisfaction of all other men.[1] Readers of Green, on the other hand, will, with justice, say that here I have misrepresented him by omission. There is a step in the argument here which I reserved for separate discussion, both because it is obscure, and because it seems specially connected with Green's political theory, somewhat in the way in which I suggested that Aristotle's account of friendship[2] connected his self-regarding doctrine of morals with the altruistic character which he recognized in justice and in political obligation.

I think that Green readily persuaded himself that every man is most satisfied in the satisfaction of others because he believed that all men are in some sense one; that, in Kantian language, they are the appearances of one noumenal reality, or, in his own, that they are 'forms' (instances?) of that 'one divine mind which gradually reproduces itself in the human soul. In virtue of this principle in him, man has definite capabilities, the realization of which, since in it alone

[1] Hume agreed that 'moral approbation' was the pleasure with which we contemplated acts affording human satisfaction, but he did not maintain that this sympathetic pleasure was always stronger than immediate pleasure.

[2] 'The friend is a second self.' See p. 23 above. Though Green (ibid., §§ 258–78) elaborately analyses the Aristotelian virtues of courage and temperance, he significantly omits justice.

he can satisfy himself, forms his true good.'[1] In the first book of *Prolegomena to Ethics* Green argues for this position on epistemological grounds, and he carries it over into his moral theory; it is therefore presupposed in his *Lectures on the Principles of Political Obligation.* The doctrine is that acts done by you or me are right which bring satisfaction to the 'self'. But there is only one self, which is the human race, past, present, and future; you and I are not selves. Green thinks man dimly understands this, when 'in looking forward to the well-being of his family, he thinks of himself as conscious of it and sharing in it, even though he may expect to be laid in the grave'.[2] Every man has a right, and also an obligation, to all acts and only those acts that contribute to the 'common good'. Or, more strictly, according to Green he 'ought to have a right' to this; he actually gets the right when his community generally recognizes that the act would so contribute.[3] Properly, I think, he ought to say that the one true self has a right and a duty to satisfy itself.

We are, then, under obligation to obey a command

[1] Cf. Prichard, *Duty and Interest* (Inaugural Lecture), pp. 30–43, which interprets Green's argument somewhat differently.

[2] *P.E.*, §§ 229, 240. Green describes what would usually be called a sense of responsibility to one's children as 'A man's projection of himself in thought into the future, as a subject of a possibly permanent satisfaction, to be found in the satisfaction of the wants of the family with which he *identifies himself*, . . . and of which the continuity is *as his own*'. But why '*as*'?

[3] Rights, then, for Green are all those claims to action which are recognized (and to some extent enforced?) by public opinion. They include legal rights and others.

when by so doing we shall contribute to the common good;[1] whether because the act commanded is itself a contribution (either in itself or in its consequences) or because our disobedience, being public, would weaken the powers of an authority whose maintenance on the whole contributes to the common good more than would its overthrow. Green thinks that in a democratic country the citizen should always obey,[2] partly because laws can be altered by a majority and discussion is free, partly because, as Hegel held, social customs and institutions are predominantly the embodiment of the same practical reason which manifests itself in our moral consciousness.[3]

From the account so far given of Green's moral philosophy we should expect his account of political obligation to coincide substantially with Hegel's. Perhaps it would have been more consistent if it had done so; but there is a significant difference, which is due to what I have called Green's candid and careful way of thinking, and which is among the causes that make his theory, to my mind, much more interesting than the one we shall consider in the next chapter.

Hegel, developing Rousseau, uses language which

[1] Ibid., § 354. The view that we can have no obligations except to promote a common good is the same as Rousseau's view that the General Will (which is always right) can only have a general object, which is the general welfare. Both rest on the same premiss, that a man can only seek his own good.

[2] *P.O.*, §§ 100, 147.

[3] *P.E.*, § 205, *P.O.*, § 122, and 'Freedom in Morality', §§ 24, 25.

implies that the 'Universal Spirit', and indeed the 'Spirit of a Nation', is more real than the individual men in which it manifests itself. The claims of individuals, then, ought always to be sacrificed to the welfare and greatness of the state. There is one thing of which Green seems sure: that injustice to individuals is wrong, however hard he may find it to reconcile this with his view that the individual has no right to anything that is not for the common good.[1] He doubts whether there be a General Will in a nation, or a World Spirit.[2] The divine principle essentially 'realizes itself in persons, as such'.[3] The human spirit does not 'fulfil its idea in the history or development of mankind, as distinct from the persons whose experience constitutes that history. . . . There can be nothing in a nation however exalted its mission, or in a society however perfectly organized, which is not in the persons composing the nation or the society. Our ultimate standard of worth is an ideal of personal worth. We cannot suppose a national spirit and will to exist except as the spirit and will of individuals.'[4] 'The spiritual progress of mankind is an unmeaning phrase unless it means a progress *of*

[1] His difficulty appears when we compare the following passages from *Political Obligation*: 'Rights are made by recognition' (recognition of what?), § 136. 'There are rights which remain rights, though all particular states refuse to recognize them', § 141. 'A right against society (as distinct from a right to be treated as a member of society) is a contradiction', §§ 140–1. A state is a body of persons recognized by each other as having rights, §§ 138–9.

[2] *P.E.*, § 154. [3] Ibid., § 182. [4] Ibid., § 184.

personal character and *to* personal character.'[1] Hegel thought God was incarnate in the state, Green in men.

Consequently there are 'claims upon us on the part of other men which must be satisfied in order to any perfecting of the human soul'.[2]

'We cannot significantly speak of freedom except with reference to individual persons; only in them can freedom be realized; therefore the realization of freedom in the state can only mean the attainment of freedom by individuals through influences which the state supplies. . . . To an Athenian slave, who might be used to gratify a master's lust, it would have been a mockery to speak of the state as a realization of freedom; and perhaps it would not be much less so to speak of it as such to an untaught and underfed denizen of a London yard with a gin-shop on the right hand and on the left. What Hegel says of the state in this respect seems hard to square with facts.'[3]

'Is it not trifling to speak of ("those artificial rights of property which only the possessors of them have any obvious interest in maintaining") as founded on or representing a conception of this (common) good?'[4]

Green replies that a man is not a moral being unless he has a clear though unreflective understanding of certain interests and rights 'common to himself with his neighbours', unless he instinctively regards his

[1] Ibid., § 185. Green agrees that humanity is progressively realizing the divine principle. But he holds that this progress is effected not by a mechanical use of human vices by providence, but only by the moral and social element in men working with or against or upon their selfish motives. *P.O.*, § 131.

[2] *P.E.*, § 280.

[3] *P.O.*, 'Freedom in Morality', § 6.

[4] *P.O.*, § 120.

own claim as conditional upon his recognizing a like claim in others, and thus as a right or common good.

'It is the fault of the state if this conception fails to make him a loyal subject. . . . It is a sign that the state is not a true state; that it is not fulfilling its primary function of maintaining law equally in the interest of all, but is being administered in the interests of classes.'[1]

'We only count Russia a state by a sort of courtesy.'[2]

'The state is an institution in which all rights are harmoniously maintained, in which all the capacities that give rise to rights have free play given to them. No action in its own interest of a state that fulfils this idea would conflict with any true interest or right of general society, of the men not subject to its law taken as a whole. . . . On the other hand, the imperfect realization of civil equality in the full sense of the term in certain states is in greater or less degree a source of danger to all. The presence in states either of a prerogatived class or of a body of people who . . . are thwarted in the free development of their capacities . . . always breeds an imagination of there being some competition of interests between states. . . . There is no such thing as an inevitable conflict between states.'

The interests of states are interdependent, not exclusive.

'No state of war can make the destruction of man's life by man other than a wrong, though the wrong is not always chargeable upon all the parties to a war. . . . The question can only be . . . where in particular the blame lies.'

[1] *P.O.*, § 121. [2] Ibid., § 132, written about 1879.

A state that

'needs to defend its interest by action injurious to those outside it . . . by no means fulfils its purpose . . . it might perhaps be swept away and superseded by another with advantage to the ends for which the true state exists. . . . Projects of perpetual peace, to be logical, must be projects of all-embracing empire.'[1]

Explicitly, then, Green's theory identifies our obligation to obey the state with our interests in obeying it. But we are interested in obeying it because and so far as it promotes the 'common good', that is, the virtue,[2] happiness,[3] and culture,[4] of its citizens or of humanity, including ourselves. So far as it is fulfilling this its proper function, I think Green would say an individual could have even an 'implicit' right only to contribute to its work, and his 'explicit' rights are only to make those contributions which it recognizes as such. But I think he would say that, in demanding such a sacrifice of one individual to the well-being of the community as would generally be called unjust, the state had formed a false conception of its own well-being, which could not consist in any kind of cannibalism, and that he had an implicit right not to be so sacrificed.

This seems to me by far the most moderate, careful, and attractive development of a political philosophy on a basis which either identifies self-satisfaction with obligation or makes it the ground thereof. The very

[1] Ibid., §§ 166–70.
[2] *P.E.*, §§ 286, 370.
[3] Ibid., § 368.
[4] Ibid., §§ 256, 286, 370.

obscurities and inconsistencies of the theory are, to my mind, results of Green's patient and candid attention to the facts and of his effort to make his theory cover them. Whether we think him right or wrong must depend, in the last resort, upon whether we think that we can only do our duties when we believe we shall get the greatest satisfaction by so doing, or that we can also do them when we think we shall not. Nobody need deny that we shall get some.

Those who are undecided whether to agree with Green on this question may perhaps be helped by the analysis of his view which I have attempted. That view leads him, I think, inevitably into hopeless contradictions in his various explanations of what he means by good and by right, and into a hopeless ambiguity in his use of the term 'common good'.

1. We are told that all men always aim at their own good or self-satisfaction. They act wrongly when they seek it where it cannot be found. It can only be found if sought where it *ought to be* sought. But it *can* only be sought where it is thought it *will* be found. To seek it where we think it cannot be found is irrational and wrong; and Green inconsistently allows that there are wrong and irrational actions.

2. Because men never act except for their own satisfaction I cannot give anything to another unless I think the transaction will satisfy me, and he claims nothing from me unless he thinks it will satisfy him. So there can be no right to anything except what is recognized as a 'common good', that is a source of

satisfaction to both. Yet there are 'implicit' rights, which men ought to 'make' into rights.

3. Moral goodness is defined[1] as seeking (not obtaining) self-satisfaction in a contribution to human perfection. (From the context it is clear that the contribution consists not in the moral goodness of the act, but in something sought to be brought about by it.) And it is only our ignorance which prevents us from seeing that 'the good or evil in the motive of an action is exactly measured by the good or evil of its consequences'.[2] Yet a man 'may do what is good in result without being good, though he cannot have been good unless he has done what is good in result'.[3] This is illustrated from political conduct.

These difficulties arise, I think, from Green's contention that all acts aim at self-satisfaction. And from that contention also follow both his view of political obligation as being the thought of self-satisfaction in a common good and his view of rights as being socially recognized claims to contribute to a common good: either of which views is hard to reconcile with his admission of rights that ought to be recognized and of rights belonging to others than members of the society in question.

NOTE

A SIMILAR view of obligation was held by a contemporary of Green, F. H. Bradley,[4] who was perhaps more closely

[1] *P.E.*, § 191. [2] Ibid., § 295. [3] Ibid., § 305.
[4] *Ethical Studies* (1876), ch. v, and especially p. 156.

under the influence of Hegel, but who, like Green, recognized some of the difficulties involved. Though he was not writing explicitly on political obligation, his view is pretty well indicated in a chapter on *My Station and its Duties*. Referring to Hegel, he says: 'Virtue is not a troubling oneself about a peculiar and isolated morality of one's own. The striving for a positive morality of one's own is futile and in its very nature impossible of attainment; in respect of morality the saying of the wisest men of antiquity is true, that to be moral is to live in accordance with the moral tradition of one's country.' He criticizes the Kantian account of morality, as fulfilling our obligations simply because they are our obligations, on two main grounds, both found also in Hegel:

1. That it is purely 'formal', since it gives no hint what our obligations are, and would fit the most fantastic opinion as well as any other.
2. That to fulfil all our obligations simply because they are our obligations is an unrealizable ideal, or at least one whose realization does not depend wholly upon us, and that therefore it always leaves us unsatisfied and self-reproachful.

We may reply that his own formula of morality—fulfilling the obligations socially recognized as belonging to the station in which I find myself—is no better:

1. It either does not tell me what the duties of my station are or it tells me falsely that they are exactly what all or most respectable persons think them to be, and so makes all that is unpopular wicked.
2. No man would claim that he had perfectly fulfilled all the duties of his station any more than that he had fulfilled all his duties. In fact the two statements

are identical. But a man may sometimes be satisfied that he has fulfilled an obligation, and even that he did so because it was an obligation.

The difficulties which Bradley finds with the formula 'Duty for Duty's Sake', and which, as we have seen, he ought to find with his own formula, really point to a view different from both. 'Duty for Duty's Sake' is a culpably formal formula if it means that our duty is to act from a good motive, for then whatever we did in a certain frame of mind would fulfil our obligation, and the answer to the question, 'What, in this situation, ought I to do?' would be 'Anything, provided your motive is good'. And, on the same interpretation, it would be a formula impossible to comply with, since our motives are not wholly or directly in our power. These objections are, I think, removed if we say that in a certain station or situation a man recognizes certain claims involved in it. If two of these conflict, he cannot fulfil both, but he can fulfil the stronger, or each in proportion to its strength. That is his duty.

XI

BOSANQUET

If Green's exposition of what I have called the eudaemonist theory is instructive by his high sensitiveness for the rights of other men and for his duties towards them, and by his scrupulous effort to reconcile these with the theory, Bosanquet's is instructive for an almost opposite reason. He seems rather to delight in flaunting the paradoxical conclusions to which he is led. Bradley flirted with paradox *pour épater le bourgeois* and to show that we are all equally benighted in Appearance; Bosanquet had a serious passion for it, a philosophical *Credo quia impossibile*. That a conclusion should be unacceptable would, if anything, confirm him in the premisses, since for him 'prima facie truth' is almost certainly false.[1]

He assumes that all action aims at self-satisfaction.[2] He is therefore bound to maintain either that what we call different selves are somehow[3] really one self, or that their only relation is one of mutual rivalry, with, at best, coincidences of co-operation. They cannot desire any state of another self for its own sake, nor

[1] *The Philosophical Theory of the State*, ch. iv *et passim*.

[2] Ibid., p. 281. He identifies immorality with ignorance: p. 147. Cf. pp. 109, 119, 124, 146.

[3] His clearest and least plausible attempt to show how is the suggestion that I am related to my society as some passion or interest of mine is related to me, as if I were my country's passion. Ibid., p. 170. Below, p. 150.

think it their duty to promote it.[1] Consequently their relation as fellow citizens must become one either of identity or of exploitation. The latter alternative Bosanquet knew not to be always true. He concludes therefore that what are called individual selves seeking each its own good or satisfaction are really all one universal self seeking its universal good or satisfaction. He asserts, truly enough, that in the ordinary application of the word 'self', 'self-government' can only be a loose description of government of the minority by the majority.[2] But it is not surprising to find a loose description in political controversy, and in his own application of the word 'self', 'self-government' is an equally loose description of government of individuals, whom he does not think real, by the universal self. Since this (universal) self is supposed to be better and 'more real' than the unreal individuals, whom by constraining it 'really satisfies', it is argued that they have no rights against it.[3]

Following the Hegelian development of Kant, Bosanquet assumes degrees of reality[4] and represents noumenon and phenomenon as reality and actuality.[5] The General Will, which was defined as the will for

[1] Ibid., pp. 83, 110. [2] Ibid., pp. 101, 139, 155.

[3] Ibid., pp. 96, 181. Cf. Bosanquet, *Social and International Ideals*, pp. 274–5.

[4] Partly, I suppose, that, in conformity with the philosophy of history, he may justify providence by taking all evil as unreal. *P.T.S.*, p. 119.

[5] Ibid., p. 118. I do not think degrees of actuality are suggested.

a common good, and which Rousseau thought was expressed by direct majority legislation with delegation of executive functions, is expressed for Bosanquet in the laws and institutions of any country and is called the Real Will.[1] He is not entitled to speak of a good common to selves, for that would be to relapse into the ordinary application of the word self. What creates or sustains the laws and institutions of a country (or possibly only the good ones?) is called the Real Will in contrast with all those desires, decisions, or actions of you and me, which do not. These latter are said to be actual, but either less real or not real at all.[2] From the idealist premiss that the whole is more real than its parts, it is argued that a man's whole will (which approximates to a desire for what would be his true good) is more real[3] than any actual act of will; if a family wills, that willing is more real still;[4] if a nation wills, the degree of reality is yet higher; and if the human race[5] wills, as Bosanquet,

[1] *P.T.S.*, pp. 153, 281.

[2] Ibid., pp. 127, 149. On the view, I suppose, that the universal or whole is real, but has only actual instances or parts.

[3] Ibid., p. 155. Or perhaps more really his will. In fact, 'real' and 'really' are ambiguous. There is nothing which is not real, but what is really only a desire is not really an act of will, and, if we are really deluded into thinking it is, we mistake one reality for another. Similar errors would be to think either that society does not really influence the persons who compose it, or that it really is a person.

[4] Ibid., p. 150. I do not know if the actual impulsive acts of a family or nation are more real than the deliberate policy of a man.

[5] Past, present, and future all together? Ibid., pp. 150, 329.

like Rousseau sometimes, seems to think it does, most real of all. For we cannot suppose that the Absolute Whole, which includes time and all reality within itself, wills at all, so that no will would be 'absolutely real'.[1]

This argument is so elusive, as often in Bosanquet, that perhaps I may analyse it, as I understand it, in other words.

1. *My* real will is *my* resolution to adopt some deliberate policy of life, as contrasted with *my* random, impulsive actions. That is to say, *my* real will is a part of *my* actual will. But we must remember against this that my deliberate policy may be wholly wrong and pernicious to others, possibly more so than some of my impulses.
2. *My* real will is a will for what, if only I were omniscient, I should know to be the good of the

[1] It has been suggested that the line of thought underlying Bosanquet's contention that there are wills, more real than yours or mine, which will the good, is somewhat as follows. What is nearer the whole is more real. Therefore the more comprehensive self would be the more real self. But the more comprehensive self would be the most 'realized' or satisfied self; what was most 'realized' would be most perfect or complete, and what was most perfect would be ideal. Thus the perfect or ideal self would be alone real. No such argument is explicit in *The Philosophical Theory of the State*. If it were urged, it would be hardly necessary to point out the ambiguities of 'realized' and 'perfect'. The ontological argument that, since 'perfection' or totality includes all reality, a perfect or complete being must be real, was never supposed by its supporters to apply to anything except the *ens realissimum*.

one real self, which is my true good. But this may be no part of my or any actual will.[1]

3. *The*[2] real will is not the will or part of the will of any individual but of the whole community as willing, for only the whole is real.
4. This real will is embodied in the laws and institutions of my country. It is a 'living being', as a 'locality' is also,[3] in a truer sense than you or I.

We might allow Bosanquet to use the words 'self', 'real', and 'will' in these arbitrary and unusual senses if it were possible for him to avoid carrying into them something of the words' normal meaning, and therewith confusion. Unfortunately it is not. But apart from this, it remains inexplicable why he should identify either my most deliberate actual policy, or that which I should will if I pursued my satisfaction omnisciently, or even that which I ought to will, with the laws and institutions of my country. Nor does he always succeed in doing so. He admits that a state may be inconsistent with itself, and that rebellion may sometimes be a duty,[4] and whether this is so must, I suppose, be judged by the despised private moral 'will' or conscience. Yet his general view is that its institutions represent 'mind at its best',[5] 'typical mind',[6] 'rational will',[7] and that 'the state *de facto* is also the state *de jure*'.[8] I can see no *reason*

[1] *P.T.S.*, p. 240. 'Even though people are not aware of it.'
[2] Bosanquet speaks of universal *selves*. Ibid., p. 127.
[3] Ibid., pp. 48, 155, 307.
[4] Ibid., pp. 149, 213.
[5] Ibid., p. 152.
[6] Ibid., p. 281.
[7] Ibid., p. 240.
[8] Ibid., p. 185.

for believing any of this, since it seems to me that some institutions (suppose the Volstead Act and *either* Trade Unionism *or* the Combination Acts) were bad from their inception, and that others (say rotten boroughs or divorce laws) became so. But I venture to think I can see some *cause* why certain philosophers are ready to make these statements. They are anxious to 'justify' the 'course of the world', and since they do not believe in the possibility of doing a duty for duty's sake, they are precluded from regarding evil (like Kant) as either the pre-requisite or the consequence of moral freedom.[1] Accordingly all that exists, and especially what exists on such a large and effective scale as to claim 'relative reality', must be good,[2] and

[1] Pre-requisite, because if everybody were in secure possession of complete satisfaction it is hard to see that we could have any duties, and then we should merely follow our inclination and have no freedom; consequence, for the obvious reason 'Of Man's first disobedience'. The only 'evil' which Bosanquet seems entitled to allow is dissatisfaction of the one real self. We might be tempted to picture this as a period of national or world depression. But we must remember that no individual need be aware of it; so it is not God's ways to *man* that need to be justified.

[2] Ibid., p. 266. 'Social Ethic (Hegel's "Sittlichkeit"), we might say, *is* a physical fact. The bodily habits and external actions of a people incorporate it. It transforms the face of a country, "domesticating the untamed earth". . . . But it is also and no less the very nature of self-consciousness. It is as much a demand of man's intelligence or an inner and universal law as the "pure will" itself.' But surely it cannot be the same social ethic which deposits slag-heaps or Ritz Hotels and which is the categorical imperative. Cf. Hegel, *Phil. d. Rechts*, Vorrede, pp. 7–8.

by good they mean satisfying the universal self. There could then be no right but might, and states have great might. This fits in well enough with the desire to reconcile a 'duty' to obey the laws with the alleged impossibility of acting except from a desire for our own advantage.

The doctrine of the real will, then, was developed to explain, what needed no explanation, how we could have duties *to others*,[1] or rather, perhaps, how our belief that we have could be reconciled with the alleged knowledge that all action aims at self-satisfaction. But when it has come full circle it takes curious revenges. Having satisfied himself that the good of my fellow citizens is my true good, and their real will my real will, Bosanquet finds that it can make no difference whether I 'do good to' them or to myself; both distributive and retributive justice disappear. By the very same argument that my neighbour's good is mine, mine is his; all that matters is that there should be somebody's good somewhere. My relation to my neighbour is explicitly put on all fours with the relation of my own faculties to one another.[2] If I have

[1] *P.T.S.*, p. 83.

[2] Ibid., p. 170. A very elusive argument here seems intended to prove that a society is a person: (1) Every individual mind is a system of mental systems or interests, e.g. music, philosophy. (2) Every social group, e.g. a musical society, is the *external aspect of a set* of corresponding (i.e. mutually similar) mental systems in individual minds. (3) The social whole is the system of (2). Granted the premiss, all that would follow is that a society is to social groups (i.e. external aspects of interests) as I am to my interests.

a genius for music, it is assumed that my mediocre draughtsmanship should be sacrificed thereto, and inferred that the musical enjoyment of mediocre musicians should be similarly treated, and that if they are really good boot-blacks they should do nothing but black boots. So at least I must understand the following remarkable passage:

'If I am my own gardener, or my own critic, or my own doctor, does the relation of the answering dispositions within my being differ absolutely and altogether from what takes place when gardener and master, critic and author, patient and doctor, are different persons? . . . We shall find it very hard to establish a difference of principle between the unity of what we call one mind and that of all the "minds" which enter into a single social experience. . . . The true particularisation of the human universal does not necessarily coincide with the distinction between different persons; and the correlation of differences and the identity which they constitute remain much the same whether they chance to fall within a single human being, or to be dispersed over several. The stress seems, therefore, to lie on the attainment of the true particularisation which does justice to the maximum of human capacity, rather than on the mere relations which arise between the members of a *de facto* plurality.'[1]

If this means anything it must imply a justification of slavery[2] and of almost any degree of exploitation

[1] Ibid., p. 178. Cf. Lord, *Principles of Politics*, p. 270. 'The merely factual difference between individual minds or their acts is in itself quite insignificant and meaningless.'

[2] I suppose a slave and his owner 'enter into a single social experience'.

by those who can claim higher abilities. This Bosanquet clearly did not intend, for he continues without obvious consistency: 'Not that the presence of human nature in any individual does not constitute a claim (i.e. I think, a right) that it shall be perfected in him'. Yet he immediately and characteristically withdraws his concession with the other hand: 'but that its perfecting must be judged by a criticism addressed to determining real capacities, and not by the accidental standard of a given plurality.' This is apparently the familiar doctrine that a man can have no right to anything his possession of which will not contribute to a 'common good'. It is the doctrine of the unreality of the 'world of claims and counterclaims'.[1] Yet that surely is the world of all of us, in which we must find our political philosophy or not at all. In that world it makes not a little but all the difference, *who* is paid and *who* is punished, whether I work for the profit of myself or of Jones or of Robinson, whether I or they act morally. I cannot be persuaded to assuage my remorse by reflecting on their good deeds. Bosanquet would deprecate all such criticism as implying a 'philosophy of the first look'.[2] It might be as fair to describe the denial of individual rights in deference to an idealist metaphysic as a philosophy of *arrière pensée*.

[1] Bosanquet, *Value and Destiny of the Individual*, V. Cf. *P.T.S.*, p. 174, where the individual mind is described as 'a reflection or expression of society as a whole from a point of view which is unique'. The spatial metaphor recalls Leibniz. Cf. also *Social and International Ideals*, pp. 274–5.

[2] *P.T.S.*, ch. iv.

From this doctrine there is an obvious corollary about political freedom. If the laws and institutions of my country are my own real will, then, as Rousseau, Hegel, and Bosanquet have explicitly told us, in obeying them, and only in obeying them, I am free.[1] Where they are silent, say on the question whether I should marry if I have a hereditary disease, I can only be 'the slave of subjective whim'. Nor is it easy to see how I can be free in the efforts I make to alter these institutions. I 'ought' to obey them, since I thus shall satisfy my real self; and only in doing what I ought am I free. This is plainly akin to the Kantian teaching that only in obedience to the legislation of my own pure will am I free, while in yielding to my desires I am enslaved. But whereas Kant held that all acts are phenomenally determined by desire and bad, though all are noumenally free and good,[2] the Hegelian school, impatient of such austere iconoclasm, bows to the state as 'the visible image of God', or the incarnation of rational will, and finds freedom in obedience.

But, leaving other criticisms aside, all this seems to involve a confusion between two quite different questions.[3] The first is whether and in what sense man is morally free to decide between alternative courses (e.g. to obey or to incur punishment). The second is under what conditions of social life a man has most

[1] Ibid., p. 107. 'In submitting even to forcible constraint, when imposed by society in the true common interest, I am obeying only myself, and am actually obtaining my freedom.'

[2] *Grundlegung*, iii.

[3] See p. 193 below.

political freedom from organized human interference. Whether we answer the first question by saying that between doing his duty and following his desire man has an absolutely undetermined choice; or by saying that he acts always in conformity with his own present character; or by saying that his physical movements are all determined by physical antecedents; the answer to the second question remains none the less open and its interest unimpaired. In some states and in some periods men are more free politically, though not morally, than in others.

Bosanquet has some scruples about his use of language here. He describes political liberty as 'a certain determinate security for the positive exercise of activities affecting the welfare of the social whole',[1] which I suppose means the taking of coercive measures to ensure that these beneficial activities shall be exercised.[2] But he adds: 'In going beyond (the literal or elementary sense of liberty as absence of constraint exercised by one upon others) we are more or less making use of a metaphor. We are passing from the idea of non-constraint pure and simple to the idea of more or less moulding and selection.' Perhaps a metaphor which describes moulding as non-constraint is of the kind that corrupts language.

Bosanquet's account of the state and our relation to it seems to differ from Hegel's mainly by the inser-

[1] *P.T.S.*, p. 136. Cf. p. 127.

[2] We are said to be free in suffering constraint which we not only dislike but *condemn*. Ibid., p. 127.

tion of rather puzzling qualifications.[1] We are not surprised, then, that in him, as in Hobbes and Hegel, the natural consequences of his theory appear most glaringly in his account of international relations, which were not explicitly dealt with by Rousseau. The situation which this theory has created for itself and which it undertakes to expound is that our real will is wholly rational and is also the will of our state, so that the state can do no wrong. 'It is *barely* conceivable that the State should actually order a theft, murder or the like. The State, *as such*, can have no ends but public ends.'[2] 'If the act was immoral, can the State, *as such*,[3] really have willed it? . . . *Self*ishness . . . can *hardly* be present in an act of the public will, *in the same sense* as in a private volition.'[4] Yet 'the State has a duty to see to the character of its agents'[5] so that it would seem hard to deny its immorality when it neglects this duty, and we have already been told that it may be so 'inconsistent with itself' as to justify rebellion.[6] But 'the State is itself the supreme community; the

[1] Such phrases as 'in principle', 'we might almost say', 'as such', 'in so far as', 'in some sense', 'in one way or another', 'on the whole', 'more or less', 'substantially', 'however imperfectly', are characteristic and occur in nearly every paragraph.

[2] Ibid., p. 322.

[3] Bosanquet's italics. The rest are mine.

[4] Ibid., p. 323. May not this be because there can hardly be a public self or a public will in the same sense as a private one? Cf. Hegel quoted p. 113 above, and Aristotle's advice to the advocate with no case: 'Argue that an unjust law is no law.' *Rhetoric*, i. 15.

[5] *P.T.S.*, p. 324.

[6] Ibid., pp. 149, 213.

guardian of a whole moral world, but not a factor within an organized moral world'.[1] 'A public act which inflicts loss, such as war, confiscation, the repudiation of a debt,[2] is wholly different from murder or theft. It is not the act of a private person. It is not a violation of law. (An act which violates its own law is not an act of the state.) It is not a breach of an established moral order by a being within it and dependent upon it for the organization and justification of his daily life. It is the act of a supreme power.'[3] 'It is mere confusion to pass moral judgements upon (state actions) in the same sense as on private acts.'[4] Is it not then mere confusion to attribute acts to a public will in the same sense as to a private?

'But perhaps we must go further.'[5] 'The idea of humanity, of the world of intelligent beings on the surface of our earth, conceived as a unity, must hold such a place in any *tolerably* complete philosophical thinking, as *in some way* to control the idea of particular States, and to sum up the purposes and possibilities of *human life*.'[6] If this means that our judgement whether we ought to conform to the laws and institutions of our country must depend upon our judgement whether in so doing we are bringing about

[1] *P.T.S.*, p. 325.

[2] In disagreeing we need not deny that acts so describable might sometimes be justified both for states and individuals.

[3] Ibid., p. 326. So in the end we come back to the beginning: justice is the interest of the stronger.

[4] Ibid., p. 327.

[5] Ibid., p. 150.

[6] Ibid., p. 328 (*my italics*).

justice and human well-being, I believe it to be true. But it makes nearly every other statement in *The Philosophical Theory of the State* untrue. And perhaps, after all, the phrase 'conceived as a unity' was meant to preclude the thought of justice.[1]

[1] The most reasoned defence I know for the doctrine that Man should always obey his state is Berkeley's *Passive Obedience*: but he, like Kant, only argues for abstention from force, and inculcates upon executive officers, as well as other subjects, the duty of disobeying unjust commands (§ 49). He also denies authority to 'those who by craft or violence invade [or retain?] the supreme power' (§ 52), and allows that even an authority which we must not resist, though we ought sometimes to disobey, may commit crimes more 'heinous and inexcusable' than rebellion (§ 44).

PART II

XII

PHILOSOPHY OF HISTORY

(i) HEGEL

THE problem of evil and that of the destiny of our race have never ceased to exercise mankind, and the attempt to solve them has been a chief employment of archaeological and eschatological myth-makers from the author of Genesis downwards. Early mythologists were accepted among the historians, and prophets among the men of science. In a more critical age their mantle has fallen to the philosophers of history.

We have seen[1] that Kant thought the study of history must inspire a paralysing pessimism which only a philosophy of history could cure. This 'philosophy' consisted in a hypothesis, borrowed by analogy from organisms, and one which, he hoped, a study of history would tend to verify, though he did not think it would ever be demonstrated—the hypothesis that our race was destined to realize all its moral and intellectual capacities, and that, as the only means to this end, it would attain perfect internal governments and perpetual peace under a world federation. Only in the faith of such a hypothesis did he think we could persevere in the attempt, which we

[1] Ch. VIII.

know is our duty, to bring these things about. For he seems to have held it absurd to suppose that such perfection could be attained by men's moral efforts; it must rather come about by non-moral agencies and in particular by men's evil passions and conflicts. Yet the effort was our duty. The argument is unconvincing at every step. We are not sure that every rudimentary organ in an individual animal is destined to complete development; even if it were, we should hesitate to draw the analogy that every capacity of the human race is. We should have only faint hopes of verifying such a hypothesis by a further study of the same historical facts which had led us in despair to make it. If we believed that the human race *must* be perfected by non-moral agency, we should relax those efforts which we might have made while we believed that by them it *might* be a little bettered or at least something spared. Directly contrary to what Kant suggests, moral effort depends upon our belief that something which is possible will only be realized, or will be more quickly realized, by our endeavours; we must think it possible, but we must not think it necessary; if either of these conditions were unfulfilled, effort would be imbecile. Once grant that our efforts can hasten or retard the tendency of natural forces, it is impossible to be certain that, without those efforts, or against them, that tendency must be realized. The best that could be made of Kant's case, though he does not suggest the interpretation, would be that providence will munificently complete the

other necessary means on condition that we make our humble contribution.

Fichte struck out the new idea that the philosophy of history has not to learn any lessons from history but to teach them to it. It has to correct our ideas of what seems on the evidence to have happened, by telling us what must have happened on the inherent 'reasonableness' of it so happening.

'The philosopher must deduce from his adopted principles all possible phenomena of experience. But it is clear that, in the fulfilment of this purpose, he does not require the aid of experience; he proceeds purely as a philosopher, paying no respect whatever to experience; rather he describes time as a whole, in all its possible epochs, absolutely *a priori*.'[1]

Hegel says that 'philosophy of history' has for its tasks to 'make history intelligible' and 'to show that what is is good'. Probably he thought these were really one task; for by 'making history intelligible' he seems to mean showing that it is in fact, though it does not seem to be, a course of events such as we should think it our duty to initiate, were it in our power, or to approve another being for initiating. Whether he supposes that we should have thought it our duty to bring about just such a course of events if we had been omnipotent, or only if we were confined to those causal laws, physical and psychological, which we discover in it, I am not sure. But there is a way in which simple history may succeed in making

[1] *Grundzüge des gegenwärtigen Zeitalters*, i.

disasters and cruelties 'intelligible', by explaining their causes and motives, without in any degree diminishing our sense of their badness or persuading us that anybody ought to produce them. Hegel proposes to show that what seems bad is, when viewed as a necessary part of a whole, good. This he purports to do on the ground that the history of mankind is not determined by irrational or blind destiny, but is the necessary development of spirit, the unfolding of all the hidden capacities and aspects of mind to self-consciousness and freedom.[1] Hence 'the State' with its laws and institutions is 'justified'. Some of Hegel's followers are more candid or more naïve in admitting that this 'explanation' of history and assurance of progress by 'philosophy of history' implies the design of an omnipotent and good being. Green[2] says:

'When that which is being developed is itself a self-conscious subject, the end of its becoming must exist not merely *for*, but *in* or *as*, a self-conscious subject.'

Bosanquet[3] says:

'We unquestionably expect something more of the world than a capability of being known according to the principle of sufficient reason, . . . the conception of a duration and environment of life adequate to the accomplishment of some worthy purpose. . . . It would be hard to believe, for example, in the likelihood of a catastrophe which should overwhelm a progressive civilization like

[1] *P. d. R.*, § 342. [2] *P.E.*, § 187.
[3] *Logic* (2nd ed. 1911), II. vii, pp. 218–20.

that of modern Europe and its colonies, so that the history of the world would have to be begun anew.'

There is an interesting footnote to this passage.

No doubt, whatever men do and suffer they do and suffer in virtue of a capacity to do and suffer those things, but, so far as I see, Hegel rather assumes than establishes that all their doings and sufferings compose, and always must compose, a progress or advance in self-consciousness and what he calls freedom. And even if he could establish this, I do not see that it would 'explain' anything. As Kant saw, if our ancestors were made to live in ignorance and wretchedness as the condition of our descendants being wise and happy, that would remain as unjust and mysterious a dispensation of providence as can well be imagined. If the time process is unreal it cannot, I suppose, really explain anything. If it is real, then the futurity of something good does not make it any better, nor the pastness of an evil diminish its badness.[1] The suggestion is only plausible because an individual always desires future happiness and does not always regret past pain. But if we had complete control of a man's life, we should not think it any better (supposing him not to know his fate in advance) that he should have a wretched childhood and a good

[1] Cf. Lotze, *Mikrokosmos*, vii, to whom I am much indebted for what follows. The opposite view is crudely put by D'Houteville, *Essai sur la Providence*. 'C'est l'avenir surtout qui a été le grand objet de Dieu dans la création, et c'est pour cet avenir seul que le présent existe.'

old age than the reverse. Still less is there anything particularly intelligible or good in a process where the earlier generations live a bad life and the later a good; for here any theory of desert or of self-education by suffering is inapplicable. Self-education cannot be done vicariously. Hegel does not succeed in showing that the process of change must be a progress, nor that a progress would be any better than a deterioration or a constant mediocrity: all three, whether finite or eternal, might have the same amount of goodness. He seems to accept as an empirical fact that man has come to be from what was not man, and, thinking that the existence of men makes the world better, assumes that a similar increase in goodness must continue indefinitely. He inconsistently, then, assumes that the goal of progress has been reached in the establishment of modern states, and that it is this, not any far-off event, which 'justifies' the travail of the world, and the wickedness of mankind.[1] As for Kant, so for Hegel, the means by which this necessary progress is effected are, at least in great part, the selfishness and vices of humanity, not their conscious aims or efforts. The notion of the 'education of the race', then, must be dropped, unless it be admitted

[1] Much as he accepts the empirical fact that for some centuries civilization moved westwards and concludes that Asia is an absolute east or beginning and Europe a necessary end (*Phil. d. Geschichte*, Eintheilung) or as he rationalizes geography (*Naturphilosophie*, 339), 'Europa bildet das Bewusstsein, den vernünftigen Theil der Erde, dessen Mitte Deutschland ist; die Welttheile sind *also* nicht zufällig getheilt.'

that the lessons taught are very demoralizing. The overruling power is something other than men's conscious moral purposes or convictions, and it is hard to say what assurance we have that it is or makes for anything we would call good, or that it must always prevail, or that its direction cannot change. The process really seems, as we shall see that some followers of Hegel take it to be, purely irrational, in the sense of not guided by reason. Whether the guiding power is something immanent in men's secret natures, or something also transcending them, or something completely external acting upon them from without, does not seem to affect these difficulties. A process or dialectical pattern itself cannot be good even if some consciousness of it were. What, then, contemplates this spectacle of evil producing or conditioning good, whose sublimity is to 'atone' or 'justify' what most men call the miseries and injustices in history? Is it some 'absolute spirit' or 'world spirit' not afflicted in our afflictions but merely producing and contemplating them? Certainly most of those who have suffered or sinned and are now suffering and sinning are not conscious of the part their vice or misery plays in the perfection of the race. Or are we to suppose that the insight now claimed by philosophers of history will, in the millennium, be clearer and more widely spread? If so, will the perfect race, in recognizing that the sacrifice of past generations was a necessary step towards their own perfection, acclaim the goodness and rationality of

the universe? If I were assured that the eventual happiness and goodness of my remote descendants would necessarily depend on the vice and misery of my offspring for several generations, I might or might not on the balance think it my duty to beget children, but the necessity of the conditions would retain precisely that mysterious and shocking character, of something 'given' but not morally designed or laudable, which the philosophy of history finds in ordinary history and claims to explain away.

Any attempt to 'justify the universe', that is, I suppose, to show that it is such as an omniscient, omnipotent, and good creator would have created, must, I think, if made at all, follow other lines. We might, for instance, develop Kant's own doctrine, that the only unconditionally good thing is the good will, the moral effort to do our duty in spite of contrary temptation; or we might even admit that pity and sympathy are good too; and we might then have to agree that pity and sympathy could only be in a world where there was suffering, and moral merit only in a world where there were both suffering or imperfection (or at least the possibility thereof) to be remedied, and also the possibility of doing wrong. I am far from thinking that even on these presuppositions we should be able to understand or to approve either the creation of so much evil or its distribution; I merely remark that this is a more hopeful path than any 'justification' by progress: if

it succeeded it would place the goodness, which was to 'justify' its conditioning evil, in the power of every man at every moment.[1]

It remains extremely puzzling what Hegel meant by philosophy of history and what he thinks its relation is to history. History starts, I suppose, with memory, and goes on to recorded and communicated memories. The events recorded must have had causes and the actions motives; and I think the endeavour to understand the past by ascertaining or conjecturing the causes of events and the motives of agents should still be called history, certainly not philosophy. If we then go on to prognosticate, asserting that so far as the present or future conditions resemble the past they will issue in similar results, that seems to be neither history nor philosophy of history. So a biologist who had traced the evolution of ants might predict with probability an increasing or diminishing adaptation to their environment.

But further, we might follow up our historical inquiries by applying to the experiences recorded and to the motives conjectured what are called judgements of value. We might believe that certain persons had acted intelligently, artistically, virtuously, or morally, and, by an intelligible generalization, that certain times had been artistic, wise, or good. All this would

[1] Hegel eloquently outlines a similar view in the *Phänomenologie des Geistes*, V.C. (AA) B (c), but seems to reject it as tainted with 'abstract morality'. Cf. *Encyklopädie*, §§ 503–12.

presuppose a kind of reflection, but it is not what is called philosophy of history.[1]

What then, once more, is meant by the philosophy of history? Does it claim to find in ordinary history all the evidence for the destination it foretells, evidence to be corroborated or refuted by further research, or does it claim to know simply as the result of thinking that any evidence to the contrary must be false? Hegel himself seems to adopt the inconsistent compromise of dismissing deeds or epochs or nations, which do not conform to his scheme, as 'unhistorical' and 'only fit for biography'; but if the first alternative suggested, with which we could have no quarrel, is rejected, the second seems to lead us inevitably to the uncompromising doctrine of Fichte. Yet if a philosophy of history cannot content itself with the historical evidences for its contention, that must be because they are inconclusive, as they necessarily are, or suggest a different conclusion. And if we ask which then is to be believed, such philosophy can only give one reply; from which we must infer that it would be better if ordinary history were not written. But does anybody seriously think that we should bring in truer verdicts about the past if we had no memories and records of memories, or about the present if we had no organs of perception? The most consistent approach to such a

[1] Cf. Croce, *Ciò che è vivo e ciò che è morto della filosofia di Hegel*, VII; *Logica*, pp. 212, 297–304; *Pratica*, p. 68, and cf. his *Vico*.

doctrine is perhaps that of Gentile,[1] who condemns the distinction between past fact (*res gesta*) and the historical account of it (*historia rerum gestarum*) as being merely an instance of the distinction, which he holds absurd, between the activity of knowing and an object to be known already existing and thereby 'limiting the mind's freedom'. The so-called facts of the past, he says, are only what they are as a result of the so-called interpretation; what controls historical research is not 'brute facts' but 'a logical imperative', a law of our own creative thinking. For verification we must look not outward but inward. Objective or true history differs for him from subjective or untrue, *merely* as that which forms a coherent system from that which forms only part of such a system. The thinking self posits or constructs the not-self and takes it for something immediately given; but since it is, after all, nothing but the self, its so-called objective necessity must be an intelligible, and morally intelligible, necessity. The self rediscovers its own moral and rational nature in the 'facts' it has posited.

I do not know how much of this Hegel would have accepted, but it seems the most consistent development of which his theory is capable. Gentile admits the paradoxical nature of his account of the past, but argues that in no other way can we escape complete scepticism, for three reasons.

1. He thinks that if there were an object of thought

[1] *Logica*, IV. vi.

independent of the thinking, then thinking would be only part of the world and would be conditioned and limited by the other part and consequently determined and incapable of freedom or truth. We should be reduced to behaviourism.

This seems to be the same fallacy which I shall later suggest is committed by some 'dialectical materialists' who argue from the realistic position to the materialist (as Gentile alleges they must); that is to say, they confuse the view that what we think when we think truly is determined by the object, sometimes physical, which is thought of, and by our capacity for knowing it, with the view that whatever we think is wholly determined by physical facts—say digestive or productive processes—which we are not thinking about. But, in fact, the possibility of what the ordinary man means by truth seems to be incompatible either with the doctrine that there is no object outside the thinking act or with the doctrine that the thinking act is not merely conditioned but wholly determined by physical processes not thought of. The 'logical imperative' which Gentile substitutes for the constraint exercised upon thinking by facts thought about is really an indicative: 'I think so and I cannot think otherwise.' Imperatives imply the possibility of disobedience, whereas, given my capacities, I can only think of a given object as I do. And such an 'imperative' would be as much 'given' and 'immediate' as any fact. Since we do not consciously and voluntarily create the object, the alleged fact that we

do and must create it remains as 'brutally unintelligible' as the existence of an independent object.

2. Gentile thinks that if there were an object of thought independent of the thinking we could never know the whole truth about it; we could but approximate indefinitely. I do not see how his own view escapes this charge. He would not hold that we have attained a completely coherent and systematic history of any event; we can only approximate to that indefinitely.

3. He argues that I cannot think anything to exist when I am not thinking of it.[1] If this is not an elementary fallacy (amphiboly) resting on an ambiguous reference of the temporal clause to the main verb or to the infinitive, it does not seem true.

If we reject the view that present thinking creates the past, it is hard to see what is left of philosophy of history. But Hegel and his followers held that his doctrine of the realization of freedom in the State and our consequent 'interested obligation' to obey the State depended upon that philosophy. It was therefore incumbent upon me to discuss a question which seems to me irrelevant.

(ii) DIALECTICAL MATERIALISM

An unexpected development or variation of the Hegelian philosophy of history is Dialectical Materialism. As the name implies, while adopting Hegel's dialectical method, it contradicts his starting-point.

[1] *The Theory of Mind as Pure Act* (trans. W. Carr), p. 1.

Marx said[1] that Hegel's idealism was philosophy standing on its head and that he proposed to turn it right way up, that is to say, to substitute matter for 'the Idea'. But by that or any other name, it seems, reality would behave as dialectically. The theory is that physical matter in motion is absolutely real, was once the only reality, and is the source of every other reality. All other reality has developed out of it. By observation of this development in the past or present, as for instance of the transformation of motion into heat, light, electricity, or of the evolution of species,[2] we become aware of its general principle. This principle is that everything is constantly changing, sometimes gradually and sometimes abruptly, but always with a certain rhythm which is described as the negation of negation or as interpenetration of opposites[3] or as thesis, antithesis, synthesis, every synthesis being a new thesis. By this process absolute novelties (not mere rearrangements, as mechanical

[1] *Das Kapital*, pref. to 2nd edition. Cf. his parody of the Hegelian 'concrete universal' in *Die Heilige Familie*, v. 2. 'Geheimniss der spekulativen Konstruktion' (*Marx-Engels Gesammtausgabe*, I. iii. 228.)

[2] Engels, *Dialektik und Natur*. He speaks as if motion had preceded heat.

[3] Sometimes loosely described as contradictories. All change is between contradictories. If the shape of a cube changes it becomes not a cube. I do not know what the opposite of a cube is. All that seems to be true in these mysterious formulas is that things, or some things, grow, and that they grow by the interaction of a capacity with an environment which is their 'other'. Cf. Marx, *Misère de la Philosophie*.

materialism held) appear, following new laws of their own behaviour, but not abrogating the laws of the earlier stage from which they spring. Thus organic bodies still obey physical laws, but develop new forms of behaviour. In Hegel the dialectical triad appears to be, at least sometimes, no temporal process, but the very constitution or character of the eternal manifestation of the Idea. He cannot mean that first there is Being, then Not-being, and that they become Becoming. But I think in dialectical materialism what is called dialectic is always a temporal process either of nature or of our minds in the apprehension of nature, when they pass from abstraction to a knowledge of the concrete, interconnected, changing whole.[1] Having observed this rhythm in the past and assuming that it will continue in the future, dialectical materialists draw certain conclusions.

1. From their materialism they argue that the history of humanity is explicable 'in the last resort' by the varying relations between men's bodily needs and the productive forces available for satisfying them. This relation directly determines the economic organization of men and *indirectly* their social, legal,

[1] Marx (*Critique of Political Economy*) contrasts himself with Hegel in this. Hegel certainly also applied the triadic method to history in order to 'rationalize' it by exhibiting progress in its conflicts. Pringle-Pattison (*Hertz Lecture*: *The Philosophy of History*) suggests that in this he was anticipated by Clement of Alexandria, who elaborated (*Stromata*, I. ii) St. Paul's hint that Jew and Greek are the thesis and antithesis synthesized by Providence in Christian.

national, and religious institutions and their moral and philosophical beliefs.

2. But from their dialectic they argue that, since these mental (or ideological) facts have now come into being as absolute novelties acting by laws of their own, henceforth society is affected by them. So now the economic or productive factors are only conditions or part causes (though constant and primary), not the total cause of any change. From consideration of them alone we could not have foretold the present.

3. From the two together they argue[1] that, when the economic and social organization of men becomes inadequate to use effectively the available productive forces for the supply of their needs, there arises a condition of extreme instability or of balance between 'thesis' and 'antithesis', which necessitates abrupt change in order to effect a 'synthesis'.

4. That such an antithesis expresses itself in the present class struggle, and its next synthesis can only be the communistic or classless society.

5. That since all this is demonstrably inevitable it is our 'duty' to try to bring it about. Our allegiance, or

[1] I cannot present convincingly a connexion of which I am not convinced. Sometimes we seem to be told that the propertied and proletarian classes are a thesis and antithesis both present; but then the synthesis ought to be present too. Sometimes that the present domination of capital is a thesis of which the dictatorship of the proletariat will be the antithesis; but to predict growth is undialectical. The trouble with dialectic is that its 'moments' (i.e. the stages *or* elements) are arbitrarily selected.

at least the allegiance of proletarians, or at least of those whose interest is not to keep jobs, is due to the proletarian class, which this philosophy of history asserts to be the antithesis of the capitalist thesis and therefore the inevitable road to the new synthesis.

Those who have sympathized with the preceding criticisms of Hegel's philosophy of history will not be likely to understand or to accept this as it stands.[1] There seem to me to be such lacunas in the argument of both that I fail to see why a good Hegelian should not foresee the probability of communism, and welcome and work for it, nor why a dialectical materialist should not anticipate fascism with approval or chaos with fatalist resignation. Both tend to deny obligation or to identify it with interest. Both endeavour to demonstrate where our true interest and therefore our 'duty' lies by demonstrating the inevitable course of the world. This they try to do by an argument from capacity to fulfilment, from δύναμις to ἐνέργεια. But the problem of what is called organic development, as distinct from mechanical rearrangement, arises simply from the fact that something really new, and therefore unpredictable, comes about. Certainly if spirit or matter or anything else had been at one period all there was, with nothing

[1] My other sources are Marx, *Critique of Political Economy*, *Rheinische Zeitung*, 1842–3, *Communist Manifesto*, *Misère de la Philosophie*; Engels, *Anti-Dühring*, *Zur Kritik der Nationalökonomie*, *Feuerbach*; Bukharin, *Historical Materialism*; Deborin and Riazonov in *Marx-Engels Archiv*, i, ii; Lenin, *Empirio-Criticism*; Plekhanov, *Fundamental Principles of Marxism*.

other than itself to act upon it or condition it, then whatever came about subsequently must have come about in virtue of an original capacity in that primal whole to bring it about. But, as Plato pointed out, what distinguishes a capacity from an actuality is that it is not perceptible as a capacity, but only inferable subsequently from the realization, or at best conjecturable in a transitional stage. So we can only infer the capacity of our race for nationalism or communism from the actual growth of states and more or less communistic societies. So far as its future progress is conditioned by economic and other causes, allowing the causal laws to be constant, we may in proportion to our scientific knowledge predict its future possibilities with more or less probability. But for this we need no philosophy of history, whether idealist or materialist or dialectical, only history and economic or biological science;[1] and certainly we do not know anything which forbids us to think that our race may be degraded and decay. If with the dialectic materialists we pronounced that to be *a priori* impossible,[2] it must be because we believed the universe to be guided from the beginning by some purpose, whether we called it immanent or transcendent, like that which seems to guide our own particular actions and mental processes. And difficult as that might be for Hegel, it seems even harder for

[1] Engels (*Anti-Dühring*) seems to agree, but what he there calls science implies unconscious, and therefore crude, philosophy.

[2] Engels, *Feuerbach*.

any kind of materialist. I know of several weighty arguments to show that some form of communistic society is the best cure for our present economic and social troubles, and that therefore we ought to work for it, but none of them seems to involve any philosophical doctrine, materialist or idealist or dialectical. Though it is self-evident that any event is caused, we only learn by experience what causes it, and therefore can only predict about situations similar to past situations. But when, as the dialectical treatment of history implies, absolute novelties, following their own new laws, emerge, past experience fails us.[1]

Kant and the dialectical materialists have at least the advantage in point of edification that they seek our enthusiasm for an ideal future condition, whereas Hegel often seems to demand our acquiescence in the actual present. Both would perhaps have done better to enlist our efforts simply on the ground of an obligation to try to bring something about that seems possible rather than on the ground of the necessity of something being or coming about; which, if we really believed it, would be a narcotic. It is just conceivable that this is what Marx meant when he asserted the importance of *praxis* for the ascertainment of

[1] Similar theories of the emergence of absolutely new qualities, but without emphasis on the technique of synthesis of opposites, and without application to practical politics, will be found in Alexander, *Space, Time and Deity*, III. ii. B; Smuts, *Holism and Evolution*; Whitehead, *Science and the Modern World*; Lloyd Morgan, *Emergent Evolution*; Driesch, *Science and Philosophy of the Organism*.

truth. He can hardly have meant no more than that in science we verify hypothesis by experiment. He may have meant that, so far as concerns the fulfilment of political prediction, with faith *we* may move mountains. 'We make our own history.'[1]

[1] Engels to Block, 21 Sept. 1890, to Mehring, 14 July 1893, to Starkenburg, 25 Jan. 1894, and Marx, *xviii Brumaire*, and to Kugelmann, 17 April 1871. All these passages deprecate the ascription of everything to economic necessity as undialectical. Cf. Marx, *Die Heilige Familie* (Mehring, *Aus dem literarischen Nachlass von Marx und Engels*, vol. ii, p. 195). 'History is no distinct person which uses man for its own ends; it is nothing but man's own active pursuit of his ends.'

XIII

POLITICAL RIGHTS AND DUTIES

(i) DUTY AND INTEREST

If man's action is always directed to τὸ ὀικεῖον ἀγαθόν—what he takes to be his own satisfaction—this will be so both in his observance and in his disregard of laws. But the formula is used ambiguously. Those who defend it do so by shifting from one to another of meanings they have failed to distinguish. It ought to mean (1) that all acts are deliberately directed to our satisfaction on the whole. But this is so manifestly untrue that we should at once have to amend it and to interpret it as meaning (2) that *when* men act deliberately they always so direct their actions. This interpretation implies that there are other motives for impulsive actions, namely desires for certain states of things to arise (which might or might not be states of our own consciousness), or desires to do certain acts, without consideration of consequences. Among such desires might be desires for the satisfaction or dissatisfaction of other persons (or for other changes in their condition independently of whether these satisfied them) and also desires to do obligatory actions, if we should take any to be such. It might conceivably be held that some impulsive actions are done simply because thought obligatory, without the intervention of desire. In

any case, if it is still said that all *deliberate* actions are directed to the agent's satisfaction, this means that, if he has reflected, he will never do what he desires to do, or what he thinks obligatory, or what he thinks likely to bring about a condition he desires,[1] unless he also thinks that on the whole it will bring him most satisfaction. Men then deliberately obey or disobey laws according as they think they will get most satisfaction. And part of the satisfaction to be considered might arise from the thought of the effect of our conduct upon others, part, possibly, from gratifying a desire to do what is obligatory, and part even from gratifying a desire to do what one is told as such, though I do not much observe this desire (apart from a desire to please certain persons) in myself or others: certainly not more than the contrary desire.

At this stage it is not unlikely that the original formula will be again amended, and we shall be told that its upholders really meant (3) that a man *ought always* to direct his actions to his own greatest satisfaction. This formula again is used ambiguously, that is to say, those who use it make it plausible to themselves by understanding it now in one sense (*a*) and now in another (*b*). It is sometimes (*a*) improperly used to mean that if he is wise he will do so. But the word *wise* begs two questions. It can only mean that

[1] The notion of doing impulsively (i.e. without reflection) something we do not desire to do because it will lead to a state we desire is hardly defensible. It could only be meant that we had not reflected enough.

in fact men do, after deliberation, desire their maximum satisfaction more than anything else, and those generally get the greatest amount of satisfaction (*ceteris paribus*) who, before action, always deliberate and consequently make this desire the strongest.[1] This might be expressed by saying that people who have acted impulsively, or who (if it be possible) after reflecting upon what will bring them most satisfaction act contrary to their conclusion, always regret it. This seems untrue. If, after deliberation, I decided that a moderate income all my life would satisfy me more than a youth of poverty and a rich old age, but in an impulse of laziness lost the chance of the first and had to put up with the second, I might congratulate myself for a longer period than I lamented. And this does not necessarily imply that my deliberations were mistaken. In my self-congratulatory old age I might admit that I should have been happier on the whole had I acted differently, but I should then not be interested in past possibilities of satisfaction. Or the amended formula is sometimes used to mean, as it should, (*b*) that on reflection we always recognize that our sole obligation is to direct our actions to our own greatest satisfaction, and therefore never to act impulsively or contrary to the conclusions of deliberation about the best means to

[1] This last point is very doubtful. I am not sure that if children thought more about their maximum satisfaction they would get more. Perhaps that is because other people think about it for them.

satisfaction. Any one who held this view would, I think, have to rule out a possibility we previously suggested (under (2)) that we may recognize obligations without having reflected whether the performance of them would bring us most satisfaction. For it seems absurd to say we both recognize obligations in this way and also, after reflection, recognize an obligation (in the same sense) to neglect them, if performance does not seem likely to bring us the greatest satisfaction. So defenders of this last formula (3*b*) are committed to the obviously false doctrine that the only obligation we ever recognize is to make ourselves as happy as we can. We ought, then, to obey anybody when such obedience seems likely to bring us most satisfaction and at no other time. If, then, wealth and security of possessions seem to us likely to give us more satisfaction than anything else, we ought, publicly at least, to obey a state which provides *us* with these and not one which does not. So the rich, if selfish, *ought* to obey a state which the poor ought not. If, on the other hand, the welfare of our neighbours promises us more satisfaction than our own wealth, we ought, publicly at least, to obey a state which provides such welfare. And as some people pretty plainly expect more satisfaction out of wealth and others out of their neighbours' welfare, again some people ought to obey a state which others ought not.

None of these conclusions seems acceptable. I believe that, on reflection, we think we ought to obey

and support a state (or any person or organization) so far as we think that by so doing we shall be most likely to provide for other people what we ought to try to provide for them, which might, of course, include any degree of freedom in the choice of laws and governors. Whether this is so will depend on the power, wisdom, and good intentions of the state or person. So, if we combine Thrasymachus' view that justice is 'the interest of the stronger' (in the sense of doing what rulers want, since they are stronger than we are) with his admission that the true or ideal ruler makes no mistakes and with Socrates' contention that the true or ideal ruler rules in the interest of the subjects, we should get a formula of allegiance pretty close to Hegel's that we ought to obey the ideal State. For the ideal State would be strong, wise, benevolent, and just. I should myself only wish to substitute for the phrase 'in the interests of the subjects' some such phrase as 'in the interest of the world, where this does not conflict with stronger claims of individuals'. The claim of any *actual* state to our obedience is, at best, one among others, at worst, nil.

If I am then asked what are the claims of other people, I might try to escape by replying that such generalization belongs to general moral philosophy and is not proper to its political branch. The truth is that I have no concise formula, though I think we recognize some claims to make men happy in various ways and also some to do justice in various

ways.[1] These claims may conflict, and then our duty is to fulfil the strongest, or each in proportion to its strength.

(ii) RIGHTS

I have generally here[2] preferred to speak in terms of duties rather than of rights because I think the former term is clearer. I myself take the terms, as ordinarily used, to be correlatives, by which I mean that A has a right B should do to him whatever B ought to do to him and that A ought to do to B whatever B has a right A should do to him. Consequently, I have no objection to saying that, since we have duties to animals, they have rights though no duties.[3] True, they are unable to know this, but we always think that we may all of us be ignorant of our rights. As infants we are, like animals, ignorant of the very nature of rights, and as men we may be ignorant of particular rights, owing either to ignorance of historical facts, such as that a document in our favour has been destroyed, or to moral ignorance like that of the contented slave. A creature unable to recognize any obligations is never thought to have any; their absence does not prevent it from having rights, but prevents others from having rights to any kind of treatment from it. It may be said they

[1] e.g. *ceteris paribus* to treat them with equality, to make them free, to keep promises, to reward labour.

[2] The use of words explained here is somewhat different from that employed in my *Theory of Morals*, especially ch. xi.

[3] Cf. Ross, *The Right and the Good*, Appendix I.

'have a right' to treat it in certain ways, but this idiom seems only to mean they are under no obligation to refrain and does not imply they have any right not to be resisted.

One reason why 'duties' is a clearer term than 'rights' is the uncertainty whether men can have rights to be treated with justice only, or also to be treated with beneficence. If 'justice' is confined to the keeping of explicit or implied contracts, or even if it is allowed to include truthfulness in general, most men would admit the possibilities of rights outside it, such at least as a right to equality. I think myself that where somebody has a duty to do a beneficent act somebody has a right to have it done. To speak more accurately, a man can only have a duty to try to bring about something, and the other party can only have a right to that. And since a man may recognize conflicting claims upon him, it is only the strongest (which it is his duty to fulfil) that anybody has a right he should fulfil. Indeed it is much to be wished that we had a name x for what stands in the same relation to a duty as a claim does to a right, the relation, namely, of a qualified candidate for the post. x and claim would then be correlatives, as duty and right are. Since there is no such word in common use, I have hitherto generally indicated x by reference to its correlative claim and said that a man may recognize certain claims upon him, of which, if it is impossible to satisfy all, he ought, or is under obligation, to try to satisfy the strongest, or to try to satisfy them all in

degrees proportionate to their strength, if that seems possible. But 'claims' is the word normally used for what are attributed to the other party in the situation, implying a comparative degree of that of which 'right' implies the greatest. If we accept this usage we still want the correlative word to signify x: a qualified candidate for that position the best qualified candidate for which is thereby constituted a duty or obligation. I suggest the word *responsibility*. A situation, then, may involve for the man in it certain responsibilities, and if these are responsibilities to other persons, these persons have corresponding claims. He is under obligation to satisfy the strongest claim, or several claims in degrees proportionate to their strength, and when obligations are to other persons these persons have corresponding rights. Responsibilities and duties, when they are responsibilities and duties to other people, severally correspond to claims and rights; when they are not, as in a responsibility or duty to try to improve myself, it seems impossible to speak of claim or right at all. Granted that rights and duties are in this sense correlative, then if we were to assume with Green that A can have no duty except to seek his own satisfaction where it can be found, we should have to conclude that B has no right to anything from A except that A should do this, and, if B asserted a right to be affected in some way himself, we should have, like Green, to reply that A could only find satisfaction in satisfying B, and that A's only duty was to satisfy

himself in this way, and that this was B's only right from him. If we asked whether A's duty is to satisfy himself and B *equally*, Green might reject the question on the ground that 'in a truly common good there is no rivalry or competition'. But satisfactions and goods are not common, though two persons may each get satisfaction in contemplating one fact. Green seems bound to say that B's only right from A must be that A should try to bring about the contemplation by all men of facts in which they find equal satisfaction. If B asserts any other right, Green must deny it on the ground that it will not really satisfy him.

I believe then that, on reflection, we think we ought to obey a state when by doing so we shall be fulfilling our greatest responsibility or various responsibilities in proportion to their degrees. Other men have the right we should obey it, when by so doing we shall be satisfying the strongest claim they have on us or various claims in proportion to their strength. I think that my responsibility or duty to a state can always be fully stated in terms of responsibility or duty to other men and of their claim or right against me, the ruler having as such no special claim.

Attempts have often been made to distinguish between natural rights and other moral rights, but the ground of the distinction has not always been clear nor probably even identical. The general meaning seems to be that there are some things to which all men have the right in all circumstances, as opposed to others to which they only have the right in special

conditions, generally owing to some kind of agreement, and, in particular, owing to their being members of an association. 'Natural rights' is, then, a negative term, meaning rights not founded on such facts. If the distinction were accepted and if it is true that wherever a man has a right somebody has a duty to satisfy that right, we should have to make a corresponding distinction between natural and other moral duties, of which less has been heard.[1]

But, if this is the ground of the distinction, it is not very valuable, for I do not think it possible to name any absolutely universal right more definite than the right to be treated as a man (i.e. as capable of claims and rights) so long as one behaves as a man should (i.e. fulfils duties), or any absolutely universal duty except so to behave to those who behave themselves so. This appears to be the best interpretation of the precept to do to others as we *would* they should do to us, and, more clearly, of the Kantian principle to treat all moral beings as ends and never as means only. It amounts to no more than that so long as a man is a man in this sense and is in any relation to others, there is always something to which he has a claim and something which some one has a responsibility to do or refrain from doing to him; what in particular that is will depend on the situation. So the formula does

[1] This is, of course, not the distinction between legal and moral rights or duties, about which there is no difficulty. There may be a moral duty ('natural' or not) to perform a legal duty, or a moral duty (generally 'natural') not to.

not, as Kant thought, justify the responsibilities we generally recognize, but presupposes them. We might say that the one inalienable and universal right of men, so long as they show themselves to be men, is to have their claims considered in the determination of rights and duties; I am not sure that Kant would have rejected this formula; it only means that men really have claims, some of which may constitute rights. It would then remain to ask whether men's *claims* can be properly divided into natural and other. The insistence on natural rights was a proper protest against the view that all rights depend upon recognition, whatever that may mean, or convention or state coercion. But if that were all that is meant, we should have to call all moral rights natural. For it is one thing to say that A's claim to money and B's responsibility to pay it would not exist, had not B promised, and another to say that A's claim and B's responsibility that the promise should be kept depend upon convention; one thing to say that I should have no responsibility to my parents and they no claim from me if they had abandoned me in infancy, and another to say that the claims they may otherwise have are not natural. There seem, in fact, to be three meanings of the word 'conventional', and the consequent ambiguity is also apt to attach to the contrasted word 'natural', which may be opposed to any of these meanings. (1) 'Conventional' is sometimes used to mean 'depending on a covenant or convention' (συνθήκη), and claims conventional in this sense are

natural; they are constituted by the very nature of the act in question, namely keeping a promise. (2) But 'conventional' sometimes means depending not upon agreement but upon rule or custom (νόμος), or expectation of co-operation, and claims called conventional in this sense are almost coextensive with legal claims. But (*a*) if the rule be the irrational *fiat* of a despot or tradition, it may constitute no moral claim. 'Conventional' then means arbitrary, and the expression 'conventional claim' or 'conventional obligation' is a contradiction in terms. There is, however, (*b*) a third meaning of the word 'conventional', in which it can properly be applied to claims which, though moral, depend upon law or custom. Such moral claims are also legal or customary and, if they were not, would not be moral claims. They may, I think, be fairly contrasted with 'natural claims'. For in different societies there are different laws or customs, of which one does not seem intrinsically better than the other, nor even always better suited to that society, and yet, given the custom or law, men may have a responsibility to obey it and a claim that others should do so. The most simple and favourite example is the rule of the road, but others, such as laws of inheritance and rights of testamentary disposition, are obvious. What other drivers on the road have a claim to is that I should do what seems most likely to avoid a collision;[1] and where there is a well-known

[1] Or most likely to make a collision reasonably improbable. We do not each claim that the other should stop, or even, on

rule of the road, however established, the most likely thing, nine hundred and ninety-nine times out of a thousand, is to keep it.

I see no objection to saying that we recognize in all sentient beings a natural claim to be spared pain and even given pleasure. Such a claim upon me may, of course, conflict with other claims, and it also appears to be generally precluded from constituting a right when its satisfaction would cause me what seems an equivalent or greater amount of pain or loss of pleasure. Yet I find a difficulty in saying that I have any claim upon myself or responsibility towards myself in respect of pleasure; I think we should certainly never say a man had a *duty* to refrain from giving pleasure at a loss merely of greater pleasure to himself. It is said that some human beings take a pleasure (apart from that of revenge on other human beings) in observing or inflicting pain. We certainly think that no amount of such pleasure lost to me could counteract the claims of a sentient creature to be spared the least amount of pain. Nor do we think any human being could have the least claim to any such pleasure, even if he were deluded in supposing his victim to be pained. This is not clear with animals, perhaps because their minds or feelings are obscure to us; if a cat bereft of its kittens could be comforted

a fair road, slow down. Cf. p. 211 below. As Hume says (*Treatise*, III. iii. 1): 'It is only the concurrence of mankind in a general scheme or system of action which is advantageous.' It may not much matter what the scheme is, or what I do if there be no scheme.

with a deceptive artificial mouse, we might think there was a slight claim on us to provide one; we should not think there was one to distract a sick child by deceiving it into thinking it was torturing flies. I should state this by saying that we think a human being may have a stronger claim that we should not give it a bad experience than that we should not give it pain.

It seems, then, that we allow to human beings, as distinct from animals, some 'natural' claim to be made happy and some to be made better. I do not pretend to give a complete list of all such 'natural' claims, but I should enumerate also claims to have promises kept, not to be deceived, to enjoy some fruit of their labour, and claims to equality and to freedom in some sense of the words.[1] I do not think 'claims to equality and freedom' can be represented simply as claims to special sources of pleasure, on the ground that they are greatly desired and that satisfaction of desire is pleasant. What is called the desire for equality is, I suppose, generally a desire for a share, or the opportunity of getting a share, not less than another man's in some means of satisfaction; and this desire might be no stronger than the other man's for a greater share; yet the former would seem to have some claim to satisfaction and the latter none. This

[1] It is clear that men can never be in all or even in most respects equal. They cannot be equally strong, healthy, able, useful, popular, or happy. But we can try to give them equal opportunities of becoming so.

was perhaps the ground of the demand inconsistently made by Utilitarians that every one should count for one. A man's desire for freedom again might easily have a stronger claim to satisfaction than a stronger desire for something else. I think, therefore, that if the phrase natural claims is used, we must include among them men's claims that we should try to make them not only happier and better but free, and, moreover, that we should treat them in the ways commonly called just, which would cover a certain equality of treatment.

(iii) LIBERTY

There is a well-known degradation of language by which words lose the relatively precise denotation they previously had and become applied to anything which possesses the most salient character they connote. Thus the word 'awful', denoting objects which cause terror, suggests a high degree of that character —whereas a word like 'alarming' would not; consequently it gets applied to objects which cause a high degree of *any* emotion however different from terror, and we get the vulgar phrases 'awfully tame', 'awfully nice', and by like processes, 'fearfully jolly', 'a tremendous treat', 'a holy terror', 'a grand fiasco'. Something of the same kind seems to have happened with the words 'liberty', 'free', and their synonyms in the political sense. They originally denoted freedom from personal constraint, the opposite of slavery; but since this was for many centuries the chief object of social struggle and development in Europe, they

acquired such a eulogistic connotation of supreme goodness and desirability that any obviously excessive or wrong freedom from constraint was called 'not liberty, but licence'; and since it had become a dogma that 'liberty' was something to which men always had a right (as distinct from a claim), and since it was clearly neither right nor possible to give all men complete freedom from constraint, the word came to be used by some writers for a proper measure of constraint instead of for its absence, though such a measure already had the name of discipline or good order. The awkward consequence of this sentimental degradation of the word would be that a new name would be required to describe the condition originally denoted by 'liberty'; but, unfortunately, the suggested expedient 'licence' has an opposite connotation of its own, that of excessive or wrongful absence of constraint, and so we should be reduced to a negative term like 'unconstraint'.

The misuse of these words which interest us has been complicated in two ways: first by a confusion with a quite different sense of the words freedom and liberty, which I shall call their philosophical, as distinct from their political, meaning; and second by the obvious fact that the freedom (in the original political sense) of one man may or must involve a diminution in that of others.

1. As was said before,[1] our answer to the philosophical question 'Is human choice free or

[1] See p. 153 above.

determined?' cannot depend in any degree upon the political and social conditions under which particular men live. If man, as I think, has this freedom, no tyranny or restraint can rob him of it without killing him or depriving him of his reason, though it may, of course, seriously alter the alternatives between which he can choose. All human acts are free in this sense. But, as we have also seen,[1] there is a school, originating perhaps with Kant, which holds that only good acts or acts done from reverence for the moral law are free; others are 'slavery to the passions'. What should follow is that a man would be free when he does an act *because he thinks* it right, and at no other time; but the conclusion sometimes drawn is that a man is free when he does what *is* right, even when he does it at the bidding, and through fear, of another. And 'doing right' again is sometimes interpreted as if it meant doing what other people, the majority or the rulers, think right. Freedom, then, becomes the name for 'obedience to good laws', or even 'obedience to the laws'; anything else is called 'caprice'.[2] On the sup-

[1] See pp. 82, 108 above. Cf. Bosanquet, *P.T.S.*, p. 240. Wordsworth retains the normal usage: 'Me this unchartered freedom tires.' *Ode to Duty.*

[2] Cf. Hegel, *P. d. R.*, §§ 15, 140 (*e*), 206. When Hegel says man is implicitly or potentially free, I think he is using the word in its philosophical sense. If every man has the capacity of coming to recognize obligations, he has the capacity of becoming free. But Hegel seems to think this capacity is only realized when a man should lose all desires to do wrong. I should have thought he then ceased to be free. He could only do what he thought right.

position that the State is more reasonable and, therefore, more real and, therefore, more really myself than 'I' am, I am most free when 'I' obey it.

2. A state of affairs where no constraint of law or public opinion was put upon individuals would almost certainly be one where much constraint would be put upon the weak by the strong. If we can imagine an absolute despot, whose freedom of action was not tempered even by fear of assassination or of foreign interference, his subjects and neighbours would have little freedom from constraint. Since, then, if my neighbours are to be free, my freedom must be curtailed, and vice versa, it has seemed plausible to say that freedom consists in constraint. This is like saying that plenty consists in ration-cards. But they only ensure an equal approach to it. A community would be free as a whole in which there was no more legal constraint than sufficed to prevent more constraint of a non-legal kind and in which such legal constraint was at least preferred to secession.

The natural meaning of freedom, then, seems to be unconstraint, but perhaps not absence of every kind of constraint. We speak of freedom from disease and freedom from care; but without some such qualifying phrase we should not call a man unfree because he had broken a leg or was anxious about his children. Nor, I think, should we naturally call a man unfree who was constrained to painful activity or inaction by the climate or wild beasts or physical boundaries

of his country.[1] Freedom, without qualification, seems to mean absence only of *human* constraint; but it is not so clear whether every human constraint is an impairment of freedom or only organized, deliberate, social constraint. In barbarous societies, unpoliced, and liable to mutual pillage and violence, I think we should say the individuals were free. As soon as the pillage became the work of organized bands, more or less irresistible and perhaps levying a tribute of blackmail, or as soon even as public opinion enforced the taking up of a vendetta, we might hesitate. A serf who owes labour to his lord or who may not change his abode is unquestionably not very free. What of the peasant whose choice is to work for his present employer or to lose his house with little hope of finding another? To-day we should hardly call free a man taxed and ruled by a government which he had no share in electing. What of individuals or classes taxed and ruled by a government against which, with all its principles, they have consistently voted? We have come to mean by freedom not only an equal distribution of relative unconstraint, but a voice in deciding among claims to unconstraint and other claims between ourselves and others. Perhaps this more positive meaning might be kept for the word *liberty*, leaving *freedom* for the more negative, though I have

[1] Two voices are there; one is of the *sea*,
One of the *mountains*; each a mighty voice:
In both from age to age thou didst rejoice,
They were thy chosen music, Liberty!

not distinguished them. We claim the liberty to vote for or against limitation of our freedom. On such points we should not expect popular language to maintain precise distinctions, but it is clear that, without torture, the words freedom and liberty with their congeners, in any political context, can only mean the relative absence of human constraint and especially of socially organized and legal constraint. This is certainly a thing people desire; no less certainly they desire other political advantages, such as security, which may be inconsistent with it; it is also, I believe, a thing to which people have a claim; but it may be inconsistent with something, such as protection, to which other people have a stronger claim. No useful purpose seems served by calling all the political advantages people desire or all those they have claims to by one name, which used to have a narrower meaning.[1] Just as a man might be free, in the philosophical sense, all of whose actions were bad, so he may be, in the political sense, though he has no other political advantage; his life may be nasty, brutish, but free. Children desire liberty and we think they have a

[1] Cf. Burke, *Reflections on the Revolution in France*. 'Abstractedly speaking, government, as well as liberty, is good; yet could I, in common sense, ten years ago, have felicitated France on her enjoyment of a government (for she then had a government) without enquiring what the nature of that government was or how it was administered? Can I now congratulate the same nation upon its freedom? . . . The effect of liberty to individuals is that they may do what they please; we ought to see what it will please them to do, before we risque congratulations, which may soon be turned into complaints.'

claim to some; but we think they only have a right to so much as is not very bad for them or for others; we do not call their proper discipline freedom.

Rousseau saw that a majority could wrongfully constrain a minority. He knew that they ought not. He said that the General Will could not, because it was always right. I suppose he meant, what his presuppositions forbade him to say, that men would not if they did their duty.

In saying, then, that men have a natural claim to liberty or freedom, I mean they have one that we should refrain from constraining them. It is mere confusion to call men free because they are constrained by good laws, or unfree because we do not constrain them so much as we ought.

(iv) EQUALITY

My purpose has been to show in the first place that no tenable political philosophy can deny the reality of obligations and responsibilities, and secondarily that an obligation to obey the laws of our state is not a special obligation, but only derivative from and dependent on obligations to our fellow men. In other words, we think it is our duty to obey or to support any authority or society when and only when we think that by so doing we can affect other men as we ought. I have not claimed to give any exhaustive or systematic list of our responsibilities to other men. In detail that would plainly depend upon our condition and theirs and upon the relations already existing

between us. But it might be possible to enumerate certain types of responsibility to our fellows or of claims that they have on us, and in fact I have said that they have claims to freedom, to justice, and to opportunities of happiness. If there are these claims, they may conflict. It was pointed out by Aristotle[1] that *justice* is a word used in two senses. In the wider, it is the name for any obligation to others, so that, if we ought on some occasion to try to make them free or happy, we act unjustly when we do not. But it is also used as the name of one responsibility among others; so that it is said that, though we 'ought' (i.e. have a responsibility) to be beneficent, we 'ought' to be just first (i.e. have a greater responsibility, or perhaps a duty). The simplest examples of justice in this narrower sense are the claim on us to keep our bargains, and the claim of the labourer to his hire. Both these appear to be claims to preferential treatment. Yet Aristotle also remarked that justice is a kind of equality,[2] and it is with equality that political justice has often been thought to be especially concerned. The idea that equal distribution is a more fundamental form of justice than the rewarding of desert, as if desert only justified exceptional deviations from equal treatment, was perhaps expressed by Locke, when he said that the fruit of the earth was given men in common, that is, to be divided equally, until some began to mix their labour with it. Men think they have a

[1] *Eth. Nic.* v. i, ii.

[2] Ibid., loc. cit.

claim to equal means of satisfaction until some reason arises to the contrary, that is, until some stronger claim is exhibited. If water is short and you and I are both thirsty, we think prima facie that we ought to share and share alike. These are often the most striking facts in the situation, or the first to be known. If it turns out that you are the more industrious in fetching it, or that you will have to do all the hunting, which is thirsty work, or if you get a fever, the case is altered. It is hard to see in what sense the claim of men, as men, to equal shares is more primary or fundamental than their claims to greater shares on the ground of greater need, greater desert, or greater utility; certainly the former should often give way to the latter. The fact that it is a constant claim, while its rivals are various and occasional, is probably what is meant by calling it 'natural'.

But when we speak of political equality we mean equality in the distribution not only of opportunities for getting satisfactions (including freedom), but rather of political power or the opportunity of affecting the laws under which we live. And the question is raised whether the latter is a thing men have a claim to in itself or only because and so far as it is the sole security for the former. I think we must reply that so far as men desire political power for its own sake, independently of whether it will secure their equality in freedom and in opportunities for getting the other things they desire, they have a claim to an equal distribution of it, though of course this claim may

be overridden by stronger claims of others to other things incompatible with it.

The claim to equality, *ceteris paribus*,[1] is, I think, always recognized. Utilitarians have strained their system to breaking-point in the effort to include it. God has been praised as no respecter of persons. Kant spoke of duty as a law because law, at least within the limits it has laid down, treats all men as equals, and our duty is to act in a way we could 'will' all men to act. Those who have defended institutions which artificially produce or perpetuate inequalities have always felt bound to offer utilitarian reasons, good or bad, in justification for neglecting what they thereby admit is a claim to equality. I do not remember seeing or hearing inequality among men commended for its own sake, though the religious consciousness has thought that men's wickedness made it necessary and we have seen Bosanquet palliating it as belonging only to the world of claims and counterclaims.

[1] i.e. ἴσα τοῖς ἴσοις, where the respects in which the persons are equal must be relevant to their claims. What is relevant may be different in every claim. I have suggested that desert, need, usefulness are very often relevant.

XIV

CONCLUSION

(i) THE GENERAL WILL

My criticism of the General Will doctrine has been that, when taken seriously, that is, to establish a Real Will, it has nothing to commend it to those who are prepared to take obligations seriously, that is, as real. I do not think any of its supporters—for Kant cannot be reckoned one—have said that what the general will wills is that every individual should do his duty whether he foresees satisfaction therein or not, nor that its best expression is in the enlightened individual conscience. Had they done so, their language would still have seemed to me mythical, but not so confounding of political philosophy or so pernicious in its practical applications.

But there is a sort of piety, which I venture to think perverted, that would retain the familiar term though not taking it, in this sense, seriously. The Master of Balliol,[1] for instance, seems to agree that our recognition of a duty to obey the state is not based on 'will', that is, on the thought that each of us thereby will get what he wants, but on what might better be called moral reason, or the recognition of already existing rights and obligations. Yet he thinks that to speak of a society as a 'moral person', though only meta-

[1] Lindsay, *The Essentials of Democracy*, esp. p. 19.

phorical, does attempt to express two truths which other political theories have neglected.[1] (1) The first is that a society in the full sense is no mere contract entered into in order to effect the different purposes of the parties, as when they exchange board and lodging for housework; nor yet is it mere co-operation in bringing about something both desire, as when they join a society for the prevention of cruelty. A true society is one, among the motives of whose inception and maintenance is the desire to live 'a common life', of which presumably a marriage or a college would be instances.

'It is societies of this kind which make us want to talk of corporate personalities, . . . but I am sure that it is misleading to call the life of society so conceived a general will.'[2]

(2) The second truth, for whose expression, on the other hand, he *would* allow the term general will, is one for which, I think, none of its previous users had contended.

'In a society small enough for common discussion there does emerge something which can only be described as what the society has willed. . . . The decision of the society is the result of all its members contributing to the discussion. It has come about by the individuals willing and thinking together [i.e. communicating their thoughts and wishes and then thinking again and coming to a

[1] Lindsay, *General Will and Common Mind* (University College of S. Wales Terminal Lecture, Jan. 1928).

[2] Lindsay, *Bosanquet's Theory of the General Will* (Proceedings of the Aristotelian Society, supplementary vol. viii).

decision?]. This is to admit the doctrine that society may have a will [and may think?]. It does not follow that it is therefore a person.'[1]

'In such a society there is something which can be called a general will because there is something which can be called a common mind. . . . When men who are working together pool their experiences and share their difficulties, there can and often does come out of their discussions a decision which is really the decision of the society, which no individual could have come to of himself, and which each yet recognizes as more completely carrying out the purpose of the society than his own original suggestion.'[2]

Certainly there can, and often does; but there can and often does result a compromise which may be approved by nobody and worse than the more consistent proposal of any individual member. The truth of the doctrine here put forward is simply that two heads are often better than one, both for practical and intellectual insight; and often discussion with somebody not a member of the society, or even the reading of books, would have been equally helpful; though doubtless people may be more likely to tolerate what they have been consulted about. Nor does the fact that persons wish to live together, though an amiable trait, necessarily justify them in doing so or in doing anything else. It cannot be true that 'the common life of the society is the only sufficient standard of

[1] *Bosanquet's G.W.* It would seem then that there may be a will without a person and a person without a will.

[2] *G.W. and C.M.*

(i.e. I suppose, always justifies) their actions'.[1] The phrase 'carrying out the purpose of the society' blinks the fact that the members may have obligations with which the purpose of the society might be inconsistent. I certainly agree that an essential for democracy, and a thing which men generally have a stronger claim to than they have to a vote, is freedom of discussion. But it seems a perverted piety that in order to describe decisions *reached by discussion* among *people who want to live together*, we should borrow an acknowledged metaphor,[2] already appropriated to describe something different. For the term general will had been used to mean a real 'person' which wills the advantage of any society of men co-operating *for any purpose*, an advantage of which no individual may be aware, but which is indicated either (for Rousseau) by direct universal voting, *without* previous discussion,[3] or (for Hegel and Bosanquet) by the laws and institutions of the society, whether discussed or not.

I think that in the effort to attach a clear meaning to formulas, time-honoured but with edges weathered in the process, it is impossible to be too simple or too prosaic. Those who agree will pardon the following attempt to trace the growing stages of co-operation between individuals and to guess at what stage, if any, a general and real will may be thought to be generated.

[1] *Bosanquet's G.W.*

[2] 'The thinking and willing of the society, done of course by individuals.' *G.W. and C.M.*

[3] Rousseau, *C.S.* II. iii.

Let us suppose A and B and C to be three individuals who have had no communication and no interest in each other until they all become aware that the bridge which leads to their three houses needs repair. One bridge causes three different inconveniences and three desires for one event or state of affairs as the common means to three different satisfactions. Is there already perhaps a general will in the sense of desires that something should be brought about advantageous to all? But each may desire that the others should do the repairing and may even try to induce them by misrepresenting the law. On the question who should do it, not being a general one, Rousseau would think no general will possible. When each has failed to get the others to do it, they might conspire fraudulently to induce some local authority to do the work, and again it may be asked if they have a general will. This scheme being ineffective, they might agree each to do one-third of the work with his own hands or to contribute equally to the cost. Each, though he desires the completion of the work, might try to escape the notice of the others in doing less than his share, and he would certainly slack when he saw the others slacking. Is this to be described as a conflict of particular wills with the general? In order to escape these inconveniences, which would make progress slow, they might next try to devise some machinery for settling disputes, by undertaking to abide either by a majority distribution of work or by the arbitration of some disinterested party. But there would be no motive for

abiding honestly by this decision other than there had been for doing a fair share before, unless it were backed by force; then they would have to resort to bribery. In spite of what he actually says, I doubt if Rousseau would really think we had yet found anything but particular wills occasionally coinciding in their object so as to form a will of all.

But we may further suppose that between A, B, C, or some two of them there were from the beginning, or grew up in intercourse, friendly feelings. A might be the parent of B or in love with B or might pity B's infirmity, and for any of these reasons might wish to lighten B's share of the work at his own expense. If B did not return the affection, he might join in the wish that A should do so, and I suppose there would then be said to be a general will that something of advantage to A and B should be brought about wholly or mainly by A, though properly B could not will A should do the work. Both now desire the same thing,[1] B's advantage, for its own sake. If, on the other hand, B were also benevolently inclined to A, there would be more good will, but apparently less general will.

But whether A, B, and C had mutually benevolent feelings or not, I believe that they might recognize obligations to share the work equally or in proportion to ability[2] and to keep any agreement they might

[1] It has been objected that when A desires B's advantage and B his own they cannot be desiring the same thing. I do not think this true.

[2] Strictly each would recognize an obligation to do *not less than* his share.

have made. They might then each will to act justly himself, though they still might differ as to what the just distribution was. And each might desire the others to act justly and approve their doing so.

If, however, what A and B desired was to live together or to live apart, they cannot strictly be said to desire each the same thing, but only something which involves the satisfaction of a desire of the other. Either desire may be one they ought not to gratify; even if it is one which there is a claim should be gratified, there may easily be stronger and incompatible claims. The same would apply if each desired the other to be happy.

Probably the most favourable instance for the general will is where two or more persons desire something to be brought about not in virtue of the satisfaction which the knowledge of its achievement will afford each, but for its own sake, as when two parents desire the welfare of their child. Here the object of the desires may be, I think, really identical, but the desires are not, and they may well differ in intensity; the opinions as to how the welfare should be achieved may easily differ, even if the two conceptions of welfare exactly resemble, and it is sometimes to solve such 'particularity of wills' that 'the general will' of the parents appoints an executive in the person of a schoolmaster. At any rate each parent can only will its own acts. Moreover, since the only sort of thing that people can try to bring about for its own sake is a conscious state or action, when their motive

for trying to bring about somebody's welfare is desire rather than sense of duty, there is a peculiar possibility of conflict in the strange passion of jealousy; each, while desiring the third party's welfare, may desire less or more that this should be brought about by himself, even if the beneficiary does not know it. Similarly, two persons conspiring to effect revenge might be rivals for the privilege of its execution.

I do not understand the term 'general will' clearly enough to know whether it would be applied to any or all of such situations.

(ii) THE CONTRACT

It is often argued that, if we abandon the doctrine that laws express a 'General Will' or our 'Real Will', it will be unintelligible that we should ever recognize an obligation or even a responsibility to obey them when they enjoin acts which, if not so commanded, we should have recognized no responsibility to perform, but even a responsibility to forbear. I myself think that the doctrine of a General or Real Will, so far from rendering this intelligible, is itself unintelligible, and seems often to lead its holders to absurd conclusions, such as that we ought always to obey any law. Some who agree with me in this have therefore fallen back on the earlier view that we have contracted to obey laws, and that this is why there is a claim upon us to do so, which in the absence of any stronger and conflicting claim gives rise to an obligation.

From the beginning it has been admitted that we constantly recognize a claim to such obedience, and often an obligation;[1] and it has been suggested that this was the ground of the distinction between 'natural' and other claims.[2] It seems necessary, therefore, to inquire whether this admission, the theory of the General Will having been rejected, really involves a belief in a contract. To try to enumerate the different types of motive from which we do in fact obey laws, may be the best way of assuring ourselves whether we usually obey them because we recognize a responsibility, sometimes giving rise to an obligation, to keep a contract to obey them. What is, in fact, my motive on various occasions for obeying the laws enacted by the sovereign and administered by the executive of my country? Do we ever find among such motives the thought that I ought to obey a law simply as being a law?

I. I constantly do so out of mere force of habit or imitative tendency, much as I may wipe my boots when entering a house on the driest day. This does not interest us; we are considering *deliberate* actions.

II. I very often do so because I should have done the act enjoined, even if it had not been enjoined, either (*a*) from a desire to do it without considering results or from a desire for some satisfaction I thought it would bring me, or (*b*) from a benevolent interest in individuals (say

[1] pp. 1, 14. [2] p. 189.

my children) or some class (say the destitute or my countrymen or humanity or animals), or (*c*) because I thought it my duty (as to pay a debt). This does not interest us; we are considering motives for doing what is enjoined as such.

III. I constantly do so from a desire to avoid punishment or at least odium. This does not interest us. We are considering *obligation*.

IV. I constantly obey such rules as to drive to the left in Britain and to the right abroad, partly, no doubt, from fear of punishment and from a desire for my own safety or that of my neighbours, but partly also (and sometimes entirely) because I think it my duty to fall in with any scheme, however originated, and whether enforceable or not, likely to be generally adopted and, if adopted, likely to secure the safety of people I may have no interest in. We should think the obligation the same if the scheme were not sanctioned by law, as I suppose it is not on private roads, provided the other parties were equally likely to follow it. We have not yet found a motive for doing acts simply because they are enjoined by *law*.

V. But a law not only tends, if enforced, to create a particular uniformity of action which it might be my duty (as well as my interest) to conform to (or the reverse) for itself; it is also itself part of a system of laws and governmental activities which tend to stand and fall together.

I sometimes do an act enjoined by law, which I

should not have done if not enjoined, and though I think the particular uniformity which that law is intended to produce will be disadvantageous to myself or friends, or unjust, or all of these. If so, I do it because I think my act will be public and exemplary and will promote general obedience to the whole system of laws, and that the general obedience so produced will bring about more justice or happiness in general (in short, more satisfaction of claims in proportion to their strength)[1] than my disobedience would, either directly or as an example in breaking a pernicious or unjust law. Here we seem at last to have found the possibility of an obligation to obey a law as a law. But we must notice that it is an obligation only relevant to public actions, and that an obligation of the same kind might arise to obey a regulation of a church or trade union if it were a part of a system of regulations and activities which I thought on the whole productive of happiness and justice, that is, of the satisfaction of claims in proportion to strength. When claims to such obedience on the part of the state and of other societies conflicted, the strongest claim, i.e. right, would correspond to the obligation.

This seems to me in the main an acceptable account of responsibility and obligation to obey the laws of a state as such. It resembles the account given by

[1] I neglect the consideration, already dismissed as irrelevant, that it might also bring about an advantage I desired for myself or my friends.

utilitarians, but with an important difference. They would consider nothing but the amount of happiness likely to be produced by the action either by itself, or as part of a plan, or as an example for other actions of a law-abiding sort generally felicific. For they admit no conflicting responsibilities and no obligation except on every occasion to do what may produce most happiness. I think that we often recognize other responsibilities, as to produce for particular men particular satisfactions to which they have claims, and that we sometimes recognize a duty to satisfy a right at some cost of general happiness. Consequently, I should consider the justice likely to be effected by the act, plan, and system as well as their felicific properties.

If it were thought that this obligation of public performance of acts simply because legally enjoined should be extended so as to cover secret performance also, I suppose that would involve an appeal either to some alleged contract of obedience or to an alleged responsibility to refrain from doing secretly what one would not do openly. The latter expedient I should reject. If I lived in a country where the reading of Fielding or of Marx was forbidden, but possessed their works and were convinced that I should not be harmed by their perusal and (to narrow the issue) that by reading them secretly I could set no example, I should read them with a very good conscience. I believe that no one, on reflection, would recognize the least responsibility to obey.

The alleged contractual basis for obedience deserves more serious consideration. It would involve a claim not only to such secret obedience, which I do not think we recognize, but also some claims to obedience to any law whether or not it or the legal system, of which it formed part, increased happiness or effected justice. I do not think we recognize such a claim, though we *should* recognize some claim if we knew that we had promised obedience: if, for instance, we were permitted to visit some small island only on condition that we promised to obey a set of absurd rules presented to us unanimously by the inhabitants, or that we promised to obey all rules they should at any time unanimously vote.

It seems fair, however, to consider various suggestions as to the way in which I might be supposed to have signified my adherence to a contract.

1. Is it simply by living in the country and enjoying such security as it may in the past have provided? This would imply that any tyrant has a claim we should obey any edict, at least if we have the alternative of emigration. We might just as well be supposed to have contracted in this way to reform our country's laws, even by rebellion, and so to make them fit for future generations, as to have contracted to obey them. We might certainly approve a rebel puritan rather than a pilgrim father, if he had not really promised obedience.

2. Or is it only under more or less democratic governments that we are supposed, by the fact of

voting, to have promised to obey the majority? Are those who abstained from voting free to disobey? Or can submission to any persecution be fairly claimed from a religious minority who are regularly outvoted? I should agree that we think a democratic government has *ceteris paribus* a very much stronger claim to obedience than any other. But I think this is mainly because it seems more likely to be amenable to argument and more likely to be reformed by constitutional means. A democratic government—if it could be so called—which prohibited criticism or discussion of its policy would lose this claim.

Both these explanations of the 'contract' seem fantastically artificial: vaguer suggestions are more plausible. Medieval clannishness and modern nationalism have no doubt been specially impatient of government, however just and felicific, exercised by a power originally founded on alien conquest rather than on domestic usurpation: 'Who made thee a ruler over us?' But the same question might as well be asked by serfs and unenfranchised peasants, underpaid or unemployed proletarians, or by any oppressed minority; and it often is. At bottom of the sentiment, I believe, is the feeling that an alien, or even one of a distinct class, however honest and benevolent, has too little understanding of us to recognize our claims or to sympathize with our wishes, and that, therefore, his rule is unlikely either to increase happiness or to effect justice.

In thus attempting to describe the responsibilities

and obligations I find in respect of my country's laws, I have not felt that I should be assisted either by using the term general will, or by supposing a contract. It has been enough to recognize responsibilities and duties to my fellow men.

Those who began by straining at the reality of responsibilities and obligations to others have ended by swallowing the leviathan of a real will for what may be neither desired nor willed nor approved by any individual: a will that confers upon individuals liberty by forcibly constraining them, and creates rights by denying claims and counterclaims. 'We are inevitably reduced to desperate conclusions if we deny that pure principles of right and justice have objective reality and are therefore capable of being followed. . . . A true theory of politics must begin by doing homage to moral obligation.'[1]

[1] Kant, *Perpetual Peace*, Appendix I.

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